THE

# FORMATION AND PROGRESS

OF THE

# TIERS ÉTAT,

OR

# THIRD ESTATE IN FRANCE.

BY

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## TRANSLATOR'S PREFACE.

THOUGH the Translator feels that the name of Augustin Thierry, already so well known in this country, especially by his "Histoire de la Conquête de l'Angleterre," affords the best hope of drawing attention to the work which he has ventured to present in an English dress, yet he wishes to state briefly some few characteristics which particularly mark it, and which may excite an interest in the mind of the general reader, as well as of the student of French history.

They are as follows:—The very vivid sketches which the accurate and experienced author has given of the principal persons and events which are connected with those most interesting passages of French history, which form the subject of his work.

The manner in which, while purposely omitting facts which are already generally known, he has

drawn attention to those which are but slightly noticed by other historians.

The insight which he gives into that growth of opinion and national progress which, like a strong under-current, was in reality silently determining the course of events, not only in France, but in civilized Europe, during the Middle Ages, and the period immediately subsequent to them.

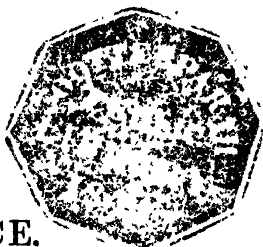
And, lastly, the bold and earnest love of truth and laborious investigation of documentary evidence which have made history what it ought to be—a record of facts, rather than a mere expression of superficial opinions and prejudices—and which honourably distinguish the school of writers to which M. Thierry so eminently belongs, and to which a daily increasing value is justly attached.

The Translator begs to add, that he has thought it most conducive to accuracy to retain for the most part the names of offices and technical terms in the original language, where either there is no exact equivalent in English, or where the apparent equivalent might mislead from a different signification having been attached to it; but, in almost every instance

of the kind, the reader will find them explained in the context or in the notes.

He has also left a few of the notes in old French untranslated, as the substance of them is generally embodied in the text, and their value seemed in great measure to depend on a certain quaintness of language which could not be preserved in the translation.

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# PREFACE.

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The work which forms the principal part of this volume is the summary of all my labours relative to France. It has been composed as an introduction to the collection of unpublished records of the history of the *Tiers Etat*, one of the publications of historical documents ordered under the last reign. It is a survey of our national history, taken in those years in which the author, carrying his observations back to the distance of seven centuries, and thence bringing it down to the state of things around him, remarked a regular succession of civil and political progress; and recognised, at each end of the road which he had travelled over, the same nation and the same monarchy, connected one with the other, modified under the same circumstances, and exhibiting their last change consecrated by a new compact of union. Considered from this point of view, the history of France appeared beautiful in unity and simplicity. I have vividly felt the grandeur of such a spectacle, and under its impression, I have conceived the design of bringing together continuously into one narrative the facts which

mark through successive ages the gradual development of the *Tiers Etat*, its obscure sources, and the part which it bore in a slow but always progressive influence upon the social life of the country.

In order that the nature of this work may be perfectly understood, I must fix the true sense of the words *Tiers Etat* in the mind of the reader. The space which separates the present time from the old regime, and the prejudices which were spread by systems tending to divide the population of the nation, which is to-day one and the same, into classes mutually opposed to one another, have obscured in the minds of many persons the historical idea of that which constituted in former times the third order in the States-General of the kingdom. There is a disposition to suppose that this third order then answered to what is now called the *bourgeoisie*; that it was a superior class among those which were out of the pale of, and, in different degrees, beneath the nobility and the clergy. This opinion, which, besides its falseness, has the evil of making an antagonism appear to have its foundation in history, though it is in reality but an invention of yesterday, and one that is destructive of all public security, is in contradiction to all the ancient proofs, to the authentic acts of the monarchy, and to the spirit of the great movement of reform in 1789. In the sixteenth century some foreign ambassadors, describing the political constitution of France, said, "What are called the States

of the kingdom consist of three orders of persons, who are, first the clergy, next the nobility, then all the rest of the population. The *Tiers Etat*, which has no particular name, may be called by a general one, the state of the people."* The order of Louis XVI. for the convocation of the last States-General designated, as having a right to be present at the electoral assemblies of the *Tiers Etat*, "all the inhabitants of the cities, boroughs, and rural districts, French by birth or naturalization, of the age of twenty-five years, having a fixed residence or entered on the list of taxes."† Lastly, at the same epoch, the author of a celebrated pamphlet, reckoning the number and maintaining the unity of the plebeian order, threw out, as an utterance of the opinion which was almost universal, these three questions and answers, "What is the *Tiers Etat*?—Everything. What has it been hitherto

* Questi che si chiamano li stati del regno sono di tre ordini di persone, cioè del clero, della nobiltà, e del restante di quelle persone che, per voce commune, si pùo chiamare popolo. (*Relations des Ambassadeurs Vénitiens sur les Affaires de France*, published by M. Tommaseo, t. ii., p. 496.) Le condizioni e qualità delle persone sono tre, d'onde ha origine il numero delli tre stati del regno. L'uno è quello del clero, e l'altro dei nobili; il terzo non ha nome particolare, ma, perche è composto di diverse qualità e professioni di persone, si pùo chiamare, con un nome generale, lo stato del popolo. (Ibid, t. i., p. 482.)

† Order of the king for the convocation of the States-General, bearing date the 24th January, 1789. *Histoire Parlementaire de la Révolution Française*, by M. Buchez, t. i., p. 210.

in the political order?—Nothing. What does it require?—To be something."*

In this respect the order of persons, which was the instrument of the revolution of 1789, and the history of which I endeavour to trace by ascending to its sources, is nothing else than the whole nation with the exception of the nobility and clergy. This definition marks at once the extent and the exact limits of my subject, it shows what I ought to touch upon and what to omit. The history of the *Tiers Etat* commences by its indispensable preliminaries long previous to the epoch when the name of *Tiers Etat* appeared in the history of the country; its starting-point is the subversion produced in Gaul by the fall of the Roman government, and the German conquest. It is there that history must first look for the forefathers or the representatives of that mass of persons of various conditions and professions, which was designated, in the language of society in the feudal times, by the common name of *la roture*. From the sixth to the twelfth century, it follows the destiny of this

* Altogether there are not two hundred thousand privileged persons of the two first orders; compare this number with that of twenty-five or twenty-six millions of souls, and decide the question. (Sieyès, *Qu'est-ce que le Tiers Etat?* p. 104.) When they wish to sow division, they take care to make a distinction between the various classes of the *Tiers*, in order to excite and to raise up one against the other. They stir up the inhabitants of the cities against those of the country; they strive to set the poor against the rich. (Ibid, p. 96, note.)

mass, declining in one part, and progressing in another, under the general transformations of society; next, it finds a wider field, a place which is peculiar to it, in the grand period of the revival of the free municipalities and the reconstitution of the royal power. Thence it continues its course, now become simple and regular, through the period of the monarchy of the States, and that of the absolute monarchy, up to the States-General of 1789. It has its termination at the meeting of the three orders in one single and equal assembly, when the division which separated the majority of the nobility and the minority of the clergy from the *Tiers Etat* ceases, when the illustrious and unfortunate Bailly, president of that first congress of the national sovereignty, was able to say, "The family is complete;" an affecting expression, which seemed to augur well for our new destinies, but which was too soon disappointed.*

Such is the outline which I proposed to myself to fill up in the composition of this work. One circumstance, which especially struck me, is, that during

* 27th June, 1789. Bailly had stated at the sitting of the 25th of June, "We said, in receiving the representatives of the clergy, that there was still something to be desired—that brothers were wanting to this august assembly. Yes, gentlemen, what we want will be given to us; all our brothers will come here." At that of the 27th he said, "We had already got the order of the clergy—we have got to-day the whole order of the nobility; this day will be illustrious in our annals: it renders the family complete."

the space of six centuries, from the twelfth to the eighteenth, the history of the *Tiers Etat* and that of the royal power are indissolubly bound together in such a manner that, in the eyes of him who really understands them, one is, to use the expression, the counterpart of the other. From the accession of Louis le Gros to the death of Louis XIV., each decisive epoch in the progress of the different classes of the *roture* in liberty, prosperity, enlightenment, and social importance, corresponds, in the series of the reigns, to the name of some great king or of some great minister. The eighteenth century alone shows an exception to this law of our national development; it introduced distrust, and prepared a fatal divorce between the *Tiers Etat* and the Crown. At the point at which a last step, the guarantee and crowning point of all the others, would naturally have completed civil, and founded political liberty by the establishment of a new constitution, the necessary agreement was wanting in the conditions of a Government at once free and monarchical. The work of the Constituent Assembly of 1791, badly put together, crumbled to pieces almost immediately, and the monarchy was destroyed.

Twenty-two years elapsed, during which an admirable compensation succeeded to enormous calamities, and it seemed then that every tie was broken between new France and the royalty of former days. But the result of the Constitutional Governments of 1814

and of 1830 was to join anew the chain of time and ideas, to resume under fresh forms the attempt of 1789—the alliance of the national tradition and of the principles of liberty. It was at this point of view, presented to me by the very course of the events themselves, that I took my position, fixing my attention on that which seemed to be the path traced out towards the future, and believing that I had before my eyes the providential termination of the labour of the centuries which had elapsed since the twelfth.

Entirely devoted to my task, which I was slowly pursuing as far as my abilities enabled me, I dispassionately approached the much controverted period of the eighteenth century, when the catastrophe of February, 1848, burst suddenly upon us. I have felt the result of it in two ways, both as a citizen and also as an historian. By this new revolution, full of the same spirit and the same threatening appearances as the worst times of the first, the history of France appeared to be thrown into as much disorder as France herself. I suspended my work from a feeling of despondency easy to be understood; and the history, which I had carried down to the end of the reign of Louis XIV., stops at that point. I had before me the alternative of delaying the publication of my work till it had reached its termination, or of forthwith publishing that portion of it, by far the largest, to which I had given five years'

labour;* the shortness of life, its chances more uncertain for me than for any other, and some flattering invitations, have decided me upon taking this last course.

There is, besides, another reason for stopping at this time; it answers to a point of division which is clearly marked in our social history. It is here that the great historical period terminates, during which we see the *Tiers Etat* and royalty marching in harmony, progressing with a common development, and mutually strengthening themselves. A second period opens, in which that harmony of six centuries disappears, in which the *Tiers Etat* and royalty are separated, begin to feel distrust of one another, and march in opposite directions: royalty protecting with its assistance what remains of aristocratic privileges; the *bourgeoisie* becoming, in contradiction to its traditions, hostile to the royal power. Of these two series of facts, so unequal as to their duration, and so different in character, I here present the first, the one which stretches itself across the space of many centuries, as a furrow traced by the instinct and the manners of France.

In order to anticipate objections which might be

* A first edition intended for a limited number of readers appeared in 1850, annexed to the first volume of the *Recueil des Monuments inédits de l'Histoire du Tiers Etat.* The present edition differs from that one by some corrections and additions.

made against me, I inform the reader that I have not intended to trace the sketch of a general history of French society, but properly and exclusively that of a special history of the *Tiers Etat*. As the nobility and clergy may be, and indeed have already been, the objects of similar labours, I scarcely make mention of the part which these two first orders have played in society, I only speak of them when their action is mixed with that of the third, whether in antagonism or in co-operation with it. The influence of ecclesiastical institutions upon the progress of civil society, prior to the period of an active royalty, and to that of the States-General, is an important fact which I might have enlarged upon; I have, however, confined myself in this respect within the narrowest limits, in order that I might keep myself disengaged for the later periods, and preserve intact the character of this work, which is the history of an order of persons purely secular.

With regard to the nobles, I am no less aware that they had their part of moral action upon French society. Chivalry was theirs, with all that there is of military valour, glory, and honour around that name. They knew how to die—it was their boast; and in this consisted their legitimate pride. Moreover, they manifested a sentiment of affection for the kingdom of France, for their native land through all its length and breadth, in times when the patriotism of the *bourgeoisie* had not yet raised itself above the

municipal spirit. *Douce France* is a favourite expression of the poetry of chivalry in the twelfth and thirteenth centuries;* and it was not till the two following centuries, during the great struggle with the English, that the signs of a love of their common country were exhibited by all the classes of the nation. If I have not mentioned this and other circumstances of the same kind, it is not because I do not appreciate them, but because they were beyond my subject; I beg that I may not be charged with a wilful suppression of that which I was obliged to omit by the strictness of my plan.

This strictness, useful in every literary composition, was enforced upon me in this instance in a more authoritative manner by the very nature and novelty of my subject. The facts which I had to collect and to bring to light do not belong to the prominent part

* De plusurs choses à remembrer li prist . . . .
De dulce France, des humes de sun lign.
(*La Chanson de Roland*,
edit. of M. Génin, chant iii., vers 941.)

Oi n'en perdrat France dulce sun los.
(*Ibid*, chant ii., vers 550. See, also,
chant iii., vers 548, chant iv., vers 265 and 278.)

Il est en douce France un boin roi Loeys.
(*Aiol et Mirabel* [MS. de la Biblioth. impér.,
fonds Lavallière, No. 80], fo. 96, vers 17.)

Et puis en douce France à Karlemaine iras.
(*Garin de Monglane* [ibid, No. 78], fo. 1, v^e^, vers 24.)

of the history of France, but rather to the most obscure, and, if I may be allowed the expression, the inmost parts of it. I attempted to write a history which, strictly speaking, was without definite shape and connexion. My task was to supply the want, by disengaging it by a process of abstraction from all that did not properly belong to it, and it was necessary to give the movement and the interest of a narrative to a succession of rapid views and general facts. Such is the end which I proposed to myself to reach; have I succeeded in it? I have at least made the attempt; I hope that my efforts will be favourably received.

The first of the two fragments which accompany the Essay upon the history of the *Tiers Etat* touches on one of the most important points of this history; it is a picture of the origin and vicissitudes of the ancient municipal constitutions of the cities of France, described according to their region and their province. This picture has not only its utility for the history of the law and government in the Middle Ages; it offers, besides, a more general interest. It is in some degree the inventory of our old experiences in the matter of political liberty, experiences partial, it is true, but renewed unintermittingly during many centuries over every part of the land.

The second fragment is a study upon the establishment of the communal constitution of Amiens, in which the original texts have been examined and commented upon in the greatest detail. This monography

is only intended for those who find pleasure in the most minute particulars in historical researches. If I am asked what kind of interest it can have for other readers, I should say that they may observe in it the minutely-treated history of a constitutional charter of the twelfth century, of a *written constitution* after the manner of our own, which had not, like these, the pretension of being the work of deep reasoning, but which lasted five hundred years. Such facts, however small may have been their scene of action, are worthy of attention and reflection from persons of our own times. Our ancestors of the Middle Ages, as we are bound to acknowledge, had something which is wanting in us at the present day—that quality of the politician and citizen which consists in perceiving distinctly what is required, and in cherishing patient and persevering aspirations.

*Paris, February* 15, 1853.

# HISTORY OF THE FORMATION AND PROGRESS

OF

# THE TIERS ETAT,

AN ESSAY.

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## CHAPTER I.

EXTINCTION OF ANCIENT SLAVERY—FUSION OF RACES—RISE OF THE BOURGEOISIE OF THE MIDDLE AGES.

Summary: Historical Part filled by the *Tiers Etat*—Origin of French Civilization—Gallo-Roman and Barbarian States of Society—Cities and Rural Districts; Decline of the one, Progress in the other—Reduction of ancient Slavery to Serfdom on the Soil—End of the Distinction of Races—Reaction of the Urban Classes against the Seigneurial Government—Forms of a free Municipality—Rise of the *Bourgeoisie*—Influence of the Cities upon the Rural Districts.

THERE no longer exists a *Tiers Etat* in France: both name and thing disappeared in the reconstruction of our social system in 1789; but this, the latest in date and least in power of the three ancient orders of the nation, has played a part of which the importance, long concealed from the most searching

scrutiny, is clearly perceived at the present day.* Its history, which hereafter can and ought to be written, is neither more nor less in reality than the history of the development and progress of our civil society, since the chaos of manners, laws, and conditions, which followed the fall of the Roman empire, up to the system of order, unity, and liberty of our own times.

Between these two extreme points may be traced through successive ages the long and laborious career by which the inferior and oppressed classes of society—in its various forms of Gallo-Roman, Gallo-Frankish, and French of the Middle Ages—raised themselves step by step till they reached the full enjoyment of civil and political rights; a vast movement, which has successively effaced from the soil on which we live all the hard and unjust inequalities of master and slave, conqueror and conquered, lord and serf—to exhibit at length in their stead an united people, a law the same to all, a free and sovereign nation.

Such is the grand spectacle which our history presents at the point to which Providence has conducted

* I do not mean to say that civil society in France may not have received some element of progress from the two other orders. I merely mean that the series of its improvements is marked above all by the successive changes which took place in the condition of the different classes of those, who, from the fourteenth century to 1789, together bore the collective name of the *Tiers Etat.*

it, and at which we who live in the nineteenth century find noble subjects for reflection and study. Of all the problems of history, the various causes and aspects of that remarkable change form the one which affects us most closely. It has been for the last twenty-five years the object of considerable research; and the collection which I have commenced is intended to prepare the way for its solution;* but its great extent requires a series of efforts too long for the life of one man. Being the first of those who may apply their hands to this work, I have seen but a small portion of the innumerable documents which it is my task to collect. It would be rash on my part to attempt to foretell the degree of importance which the whole of them may assume in the estimation of the learned hereafter; and I shall not do so. I shall confine myself to offer certain provisional sketches to mark, as my peculiar studies and the present state of knowledge enable me, the most distinct epochs and the most prominent points of view of that which will one day form the complete history of the formation, progress, and social influence of the *Tiers Etat*.

It is from the last form which was given to the civil and political institutions of the empire, and of which Constantine was the author, that all that is

* *Le Recueil des Monuments inédits de l'Histoire du Tiers Etat*, forming part of the *Collection de Documents inédits sur l'Histoire de France*, published under the direction of the Minister of Public Instruction. See below Appendix I.

Roman in our ideas, our manners, and our legislation is derived: to this may be traced the first germs of our modern civilization. That era of decline and ruin for the society of the ancient world was the cradle of the great part of the social principles or elements, which, maintaining their existence under the dominion of the German conquerors, and combining themselves with their national traditions and customs, created the society of the Middle Ages, and from thence were transmitted to us. We there behold the sanction of Christianity joining itself to the sanction of the law to give a new vigour to the idea of the imperial power—the type of the regal power of subsequent times;* slavery attacked in its principles, and secretly undermined or transformed by Christianity; lastly, the municipal form of government, oppressive though it became, impregnated with a sort of democracy by the popular election of the protector and the bishop. When the sway of the Barbarians overspread Gaul, when the political order of the Western empire crumbled to pieces, three things still maintained their position: the institutions of Christianity, the

* According to the Roman law, the sovereignty of the Emperors was derived from the people by a perpetual delegation: according to Christianity, it proceeded from God. It is this last principle which, since the reign of Constantine, has made the hereditary succession to the empire obtain. See the *Mémoire* of my brother, Amédée Thierry, on the *Administration centrale dans l'empire Romain*. Revue de Législation et de Jurisprudence; Septembre, 1843.

Roman law in the form of custom, and the municipal administration. Christianity imposed its influence on the new rulers; the law of custom preserved the manners and usages of civil life among the native inhabitants; and the municipality, as the guardian of those usages, threw a shield round them by lending, as a guarantee of their continuance, the strength of its own organization.

After the conclusion of the great struggles which took place in the fourth and fifth centuries, whether between the German conquerors and the last forces of the empire, or between the nations which had occupied different portions of Gaul, until the Franks remained sole masters of the country, two races, two populations, which had nothing in common but religion, appear forcibly brought together, and, as it were, face to face with each other, in one political community. The Gallo-Roman population presents under the same law very different and very unequal conditions; the barbarian population comprises, together with its own peculiar classifications of ranks and conditions, distinct laws and nationalities. In the first we find citizens absolutely free, *coloni*, or husbandmen belonging to the lands of a proprietor, and domestic slaves deprived of all civil rights; in the second, we see the Frankish race divided into two tribes, each having its own peculiar law;* the Burgundians, the Goths, and the

* The law of the Salic Franks or Salic law, and the law of the Ripuarian Franks or Ripuarian law.

rest of the Teutonic races, who became subjected, either of their own accord or by force, to the Frankish empire, governed by other and entirely different laws; but among them all, as well as among the Franks, we find at least three social conditions—two degrees of liberty, and slavery. Among these incongruous states of existence, the criminal law of the dominant race established, by means of the scale of damages for crime or personal injury, a kind of hierarchy—the starting-point of that movement towards an assimilation and gradual transformation, which, after the lapse of four centuries, from the fifth to the tenth, gave rise to the society of the feudal times. The first rank in the civil order belonged to the man of Frankish origin, and to the Barbarian who lived under the law of the Franks; in the second rank was placed the Barbarian, who lived under the law of his own country; next came the native freeman and proprietor, the *Roman possessor*, and, in the same degree, the *Lidus* or German *colonus;* after them, the Roman *tributary—i. e.,* the native *colonus;* and, last of all, the slave, without distinction of origin.*

* Si quis ingenuus hominem Francum aut Barbarum occiderit, qui lege salicâ vivit; viii. M. den., qui faciunt sol. cc. culpabilis judicetur. (*Leg. Salic.*, tit. xliii., sec. i., apud *Script. rer. gallic. et francic.*, t. iv., p. 220.)—Si quis ingenuus hominem ingenuum Ripuarium interfecerit, cc. sol. culp. jud. (*Leg. Ripuar.*, tit. vii.; Ibid, p. 237.)—Si quis Ripuarius advenam Francum interfecerit, cc. sol. culp. jud.—Si quis Ripuarius advenam Alamannum seu Fresionem vel Bajuvarium aut

These various classes, separated on the one hand by distance of rank, on the other by difference of laws, manners, and language, were far from being equally distributed between the cities and the rural districts. All that was elevated in the Gallo-Roman population, of whatever character it might be, was found in the cities, where its noble, rich, and industrial families dwelt, surrounded by their domestic slaves; and, among the people of that race, the only constant residents in the country were the half-servile *coloni* and the agricultural slaves. On the contrary, the superior class of the German population established itself in the country, where each family, independent and proprietary, was maintained on its own domain by the labour of the *Lidi* whom it had brought thither, or of the old race of *coloni* who belonged to

Saxonem interfecerit, clx. sol. culp. jud. (Ibid, tit. xxxvi., sec. i., ii., et iv., p. 241.)—Si Romanus homo possessor, id est qui res in pago ubi commanet proprias possidet, occisus fuerit, is qui eum occidisse convincitur, iv., M. den., qui faciunt sol. c., culp. jud. (*Leg. Salic.*, t. xliii., sec. vii.; Ibid, p. 220)—Si quis Ripuarius advenam Romanum interfecerit, c. sol. multetur. (*Leg Ripuar.*, tit. xxxvi., sec. iii.; Ibid, p. 241.)—Si vero Romanus vel Lidus . . . . occisus fuerit . . . . (*Leg. Salic.*, tit. xliii., sec. iv.; Ibid, p. 220.)—Qui Lidum occiderit c. sol. componat . . . . (*Caroli Magni Capitul.*, anni DCCCXIII.; Ibid., t. v., p. 688.)—Si quis Romanum tributarium occiderit, MDCCC. den., qui faciunt sol. xlv., culp. jud. (*Leg. Salic.*, tit. xliii., sec. viii.; Ibid, t. iv., p. 220.)—Si quis servum alienum occiderit, aut vendiderit vel ingenuum dimiserit, MCCCC. den., qui faciunt sol. xxxv., culp. jud. (Ibid., tit. xi., sec. iii., p. 209.)

the soil. The only Germans who resided in the cities were a small number of officers in the service of the Crown, and of individuals without family and patrimony, who, in spite of their original habits, sought a livelihood by following some employment.

The social superiority of the dominant race rooted itself firmly in the localities inhabited by them, and passed, as has been already remarked, from the cities to the rural districts.* By degrees, also, it came to pass that the latter drew off from the former the upper portion of their population, who, in order to raise themselves still higher, and to mix with the conquerors, imitated, as far as they were able, their mode of life. This high native class, with the exception of that part of it which followed the ecclesiastical profession, was in some measure lost to all purposes of civilization; it tended more and more towards the habits of barbarism, idleness, and turbulence, the abuse of power, the hatred of all discipline and restraint. Advancement in art and wealth was no longer possible in the cities of Gaul; all that could be done was to collect and preserve what remained of them. The labour of this preservation, the pledge of a future civilization, was from this moment the common task of the clergy, and the middle and inferior classes of the municipal inhabitants.

* *Histoire de la Civilisation en France*, by M. Guizot, third edit., t. iv., p. 224.

While Barbarism was thus occupying or usurping all the vantage points of the social state, and civil life in the intermediate classes was arrested in its progress, and sinking gradually to the lowest condition, even to that of personal servitude, an ameliorating movement, already commenced before the fall of the empire, still continued, and declared itself more and more loudly. The dogma of a common brotherhood in the eyes of God, and of one sole redemption for all mankind, preached by the Church to the faithful of every race, touched the heart and awakened the mind in favour of the slave, and, in consequence, enfranchisements became more frequent, or a treatment more humane was adopted on the part of the masters, whether Gauls or Germans by origin. The latter, moreover, had imported from their country, where the mode of life was simple and without luxury, usages favourable to a modified slavery. The rich barbarian was waited upon by free persons—by the children of his relatives, his clients, and his friends; the tendency of his national manners, different from that of the Roman, induced him to send the slave out of his house, and to establish him as a labourer or artisan on some portion of land to which he then became permanently attached, and the destination of which he followed, whether it were inherited or sold.*

* See the report of M. Michelet on the competition for the prize of history, having as its subject this question: *Causes qui ont amené l'Abolition de l'Esclavage.* (Mémoires de l'Académie

The imitation of German manners by the Gallo-Roman nobles made them also transfer many of their domestic slaves from the city to the country, and from the service of the family to the labour of the field. Thus domiciled (*casés*), as the acts of the eighth and ninth centuries express themselves,* their condition became analogous, though still always inferior, to that of the German *Lidus* on the one hand, on the other, to that of the Roman *colonus*.

Domestic slavery made the man a chattel, a mere piece of moveable property. The slave, settled on a spot of land, from that time entered into the category of real property. At the same time that this last class, which properly bore the name of serfs, was increased at the expense of the first, the classes of the *coloni* and *Lidi* would naturally multiply simultaneously, by the very casualties of ruin and adverse circumstances which, at a period of incessant commotions, injured the condition of the freemen. Moreover, these two classes, which were separated not only by legal distinctions, but also by a difference of origin, were tending towards a mutual approximation, and a gradual blending together of their essential characteristics. This, together with the approximation

des Sciences morales et politiques, t. iii., p. 655.)—See also the Dissertations annexed by M. Pardessus to his *Recueil des Textes de la Loi Salique*, dissertations iv. and vii.

* See the new edition of the Glossary of Du Cange, by M. Hen chel, t. ii., p. 214, on the word "Casati."

which had taken place between the Gauls and the Germans in the high ranks of society, was the first step towards the fusion of races, which was destined, after five centuries, to produce a new nation.

In the very heart of the Barbarian society, the class of small proprietors, which had originally formed its strength and glory, decreased, and finally became extinct by sinking into vassalage, or a state of still more ignoble dependence, which partook more or less of the character of actual servitude. By an opposite movement, the slaves domiciled on some portion of an estate, and incorporated with it as a fixture, raised themselves by means of this fixity of position, and of an indulgence which after a time grew into a right, to a condition nearly approaching the position of the *Lidus* and the *colonus*, who were themselves become almost identical under different names. At this point the freeman depressed towards servitude met the slave who had reached a sort of half liberty. Thus, through the whole extent of Gaul, was formed a vast body of agricultural labourers and rural artisans, whose lot, though never uniform, was brought more and more to a level of equality; and the creative wants of society produced a new sphere of industry in the country, while the cities remained stationary, or sank more and more into decay. This gradual and imperceptible revolution was connected in its onward march with those extensive clearances of the vast forest and waste lands which had passed

from the imperial treasury into the possession of the Frankish kings, and of which a large part had been made over by those kings as property to the Church, and in beneficial tenure to their adherents.

The Church initiated the revival of this movement of life and progress; the depository of the noblest remains of ancient civilization she did not think it beneath her to collect, together with science and the intellectual arts, the traditional knowledge of mechanical and agricultural processes. An abbey was not merely a place of prayer and meditation, it was also an asylum opened against the encroachments of barbarism under every form. This retreat of learning and knowledge fostered beneath its shelter workshops of every kind, and its dependencies formed what we call at the present day a model farm; in it might be seen examples of industry and activity for the labourer, the workman, the proprietor. It was, to all appearance, the school where information was obtained by those of the dominant race, who were prompted by a knowledge of their own interest to make upon their own domains efforts in cultivation and colonization—two things in which the first at that time implied the necessity of the second.*

* See the paper of M. Mignet on this question, *Comment l'ancienne Germanie est entrée dans la Société civilisée de l'Europe occidentale.* Mémoires de l'Académie des Sciences morales et politiques, t. iii., p. 673.

On every large estate where improvement flourished, the cabins of those employed, *Lidi, coloni* or slaves, grouped as necessity or convenience suggested, were multiplied and peopled more numerously, till they assumed the form of a hamlet. When these hamlets were situated in a favourable position, by a water-course or a junction of roads, they continued to increase till they became villages, where all the trades necessary for the common purposes of life were carried on under the same protection. The building of a church soon raised the village to the rank of a parish; and, as a consequence, the new parish took its place among the rural *circonscriptions*.* Its inhabitants, both serfs and demi-serfs, being attached to the same domain, found themselves bound to one another by neighbourhood and community of interests; thence sprung, altogether spontaneously, under the sanction of the *intendant*, joined to that of the priest, rude outlines of a municipal organization, in which the church became the depository of the acts which, in accordance with the Roman law, were inscribed on the registers of the city. It is in this way that beyond the towns, the cities, and the boroughs, where the remains of the old social condition lingered in an increasing state of degradation, elements of future improvement were formed by the value given to large districts of uncultivated land, by

* See three dissertations of M. le Comte Beugnot on the *Municipalités rurales en France.* Revue Française, Août, Septembre, et Octobre, 1838.

the multiplication of colonies of labourers and artisans, and by the gradual modification of the ancient state of slavery into bondage on the soil.

This modification, already considerably advanced in the ninth century, was completed in the course of the tenth. At that period, the last class of the Gallo-Frankish society disappeared—viz., that of persons held as chattels, bought, exchanged, transferred from one place to another, like any other kind of moveable goods. The slave now belonged to the soil rather than to the person; his service, hitherto arbitrary, was changed into customary dues and regulated employment; he had a settled abode, and, in consequence, a right of possession in the soil on which he was dependent.* This is the earliest form in which we distinctly trace the first impress of the modern world upon the civil state. The word *serf* henceforward took its definite meaning; it became the generic name of a mixed condition of servitude and freedom, in which we find blended together the states of the *colonus* and *Lidus*—two names which occur less and less frequently in the tenth century, till they entirely disappear. This century, the point to which all the social efforts of the four preceding ones which had elapsed since the Frankish conquest had been tending, saw the intestine struggle between the Roman and German manners

* See the paper of MM. Wallon and Yanoské *Sur les Causes qui ont amené l'Abolition de l'Esclavage*—a work approved in 1839 by the Academy of Moral and Political Sciences.

brought to a conclusion by an important revolution. The latter definitively prevailed, and from their triumph arose the feudal system; that is to say, a new form of the state, a new constitution of property and domestic life, a parcelling out of the sovereignty and jurisdiction, all the public powers transformed into demesnial privileges, the idea of nobility devoted to the profession of arms, and that of ignobility to industry and labour.

By a remarkable coincidence, the complete establishment of this system is the epoch when the distinction of races terminates in Frankish Gaul—when all the legal consequences of diversity of origin between Barbarians and Romans, conquerors and subjects, disappear. The law ceases to be personal, and becomes local; the German codes and the Roman code itself are replaced by custom; it is the territory and not the descent which distinguishes the inhabitant of the Gallic soil; finally, instead of national distinctions, one mixed population appears, to which the historian is able henceforward to give the name of *French*. This new form of society, the offspring of the preceding one, detached itself forcibly from it by its form and spirit; its character was a tendency to endless subdivision in its political relations, and to simplification in its social relations. On the one side, the seigniories, states formed in the bosom of the State, were multiplied; on the other, there was an attempt, unintermitting and in some sort systematic, to reduce all the ranks to two

classes: the first, free, idle, altogether military, having the right of government, administration, and justice over their fiefs, whether large or small; the second, bound to obedience and labour, subject with more or less rigour, short of slavery, to the restraints of dependence on an individual.* If human affairs always reached the point marked out for them by logical inference, every trace of civil life would have become extinct by the invasion of a system which had for its type demesnial servitude. But that system, originated in the rural districts under the influence of German customs, encountered in the cities, where the tradition of the Roman customs still obscurely lingered, a degree of insuperable repugnance, and a power which at a later period by its own reaction burst out into revolutions.

The long social crisis, which was terminated by the introduction of feudality, changed, in all the affairs of civil and political government, precarious enjoyment into permanent possession; revenues of an estate into property; delegated power into personal prerogative;

* Lex humana duas indicit conditiones:
Nobilis et servus simili non lege tenentur.
*      *      *      *      *
Hi bellatores, tutores ecclesiarum,
Defendunt vulgi majores atque minores,
Cunctos et sese parili sic more tuentur.
Altera servorum divisio conditionum,
Hoc genus afflictum nil possidet absque labore. . . .
(*Adalberonis carmen ad Robertum regem*,
apud Script. rer. gall. et francic., t. x., p. 69.)

life interest into hereditary right. It was the case with dignities and offices, as well as with possessions of every kind; and the rule which applied to the tenure of the noble held good at the same time with that of the serf. According to the original and very judicious remark of an able critic of the ancient documents of our history, "The serf maintained against his master the same struggle that was maintained by the vassal against his seigneur, and by the seigneurs against the king."* However great might be the difference of position and power there was among those various parties, one and the same attempt followed by similar success.

In the eighth century, the serfs of the soil could be dispersed arbitrarily over the domain, transferred from one portion of land to another, united in the same domicile (*case*), or separated from one another, at the convenience of the master, without regard to the ties of relationship, if it existed between them. Two centuries later we find them all domiciled by families; their cabin, and the ground contiguous to it, had become an inheritance. That inheritance, burdened with a quit-rent and the duty of service, could be

* M. Guérard, Prolegomena to the Cartulary of the Abbey of Saint-Père de Chartres. *Collection des Cartulaires de France*, t. i., p. xli. See the great work of the same author on *La Condition des Personnes et des Terres, depuis les Invasions des Barbares jusqu'à l'Institution des Communes*—a work placed at the commencement of the edition of the *Polyptique* of Irminon, Abbé of Saint-Germain-des-Prés.

neither bequeathed nor sold; and the family of the serf was restricted by law to marry only in families of the same condition who were attached to the same domain. The rights of *mainmorte* and of *formariage* were reserved to the lord as a guarantee to counter-balance the right of property permitted to the serf. Detestable as they appear to us, they had not only their legal ground, but also their usefulness in favour of future progress. It was under their influence that the isolation of the servile condition ceased in the rural districts, replaced by the spirit of domestic life and association; and that, under the shadow of the baronial castle, agricultural bodies were formed which were destined to be the base of great civil communities.

In reading with attention the charters and other documents of history, we are able to trace from the commencement of the ninth century to the end of the tenth the successive results of the prescriptive right in the soil in the hands of those who cultivated it; we observe the right of the serf springing up on his plot of ground, then extending itself and becoming more determined in each succeeding generation. To this change, which gradually ameliorates the condition of the labourers and rural artisans, is added at the same period the acceleration of the tendency which for three centuries had been changing the face of the country districts by the formation of new villages, the enlargement of old ones, and the building of parochial

churches—the centres of new *circonscriptions* at once political and ecclesiastical. External, and entirely casual circumstances contributed to this progress: the devastations of the Normans, and the fear which they inspired, caused the inhabited parts of the large domains to be inclosed with walls of defence. On the one hand, castles were multiplied, on the other, the number of fortified towns was increased.

The labouring and dependent population crowded into these places of safety, whose inhabitants then passed from that which is properly called rural life to the commencement, as yet more or less unpolished, of the urban life. The purely demesnial system was changed by the mixture of certain elements having the character of public institutions. For the purposes of police, and judgment of petty offences, the villagers themselves served as assistants and assessors to the *intendant;* and this officer, who was taken from among them and was one of their own class, became a kind of municipal magistrate. In this way the first elements of social life in these small infant societies sprung from the right of property, joined to the spirit of association; the instinct of prosperity, always alive, soon led them to advance further. From the commencement of the eleventh century, the inhabitants of the towns and boroughs—the *villains,* as they were then called—were no longer satisfied with their condition as dependent proprietors, they aspired to something more; a new want—that of ridding themselves

of burdensome obligations, of enfranchising their land, and, together with that, the persons on it—opened before them a new career of labours and struggles.

Among the opinions which formed at that period what may be considered the source from which the social ideas were drawn, there existed, with regard to the liberty of the noble, which was entirely a matter of privilege, derived from conquest and German usages, the idea of another kind of liberty, conformable to natural right, within the reach of all, equal to all, to which may be applied, after its origin, the name of Roman freedom. Though the name might be out of use,* the thing itself—that is to say, the civil state of the persons inhabiting the ancient municipal cities—had not yet perished. However much threatened it had been by the continually-increasing pressure of the feudal institutions, it was still found in those cities, more or less untouched, and together with it, as a sign of its durability, the old name of citizen. From hence the cities of recent foundation took the example of the municipal community, its regulations and its practices; and thither the ambition of men escaped from servitude, and, seeing themselves arrived halfway

* It was not used in the tenth century, except in the language of ecclesiastical law, in which the words *Libertas Romana* mean the immunity by means of which an abbey, with its domains, was exempted from the ordinary jurisdiction, and held solely of the Church of Rome.

towards freedom, turned for encouragement and hope.

What, then, was the power and nature of the municipal government in the Gallo-Frankish cities in the tenth century? The solution of this problem is one of the fundamental objects of our history; but it cannot be given at present with accuracy and completeness. One point is beyond doubt, namely, that at this period the urban population joined to its immemorial civil liberty an internal administration, which, since the Roman times and from different causes, had undergone great changes. These modifications, which were very various, and, so to speak, capricious in their forms, had everywhere produced in the main similar results. The hereditary and aristocratic government of the *curie* had been changed by a series of progressive alterations into an elective and, in different degrees, a popular government. The jurisdiction of the municipal officers much exceeded its ancient limits; it had considerably enlarged its authority in civil and criminal matters. There no longer existed of its own right an intermediate corporation between the college of the magistrates, and the entire body of the citizens; all the powers of administration were uniformly derived from public delegation, and their duration was reduced in general to the term of one year. Lastly, in consequence of the great influence which the dignitaries of the Church possessed from the Roman period over the internal affairs of the cities, the

*Defenseur*, the chief magistrate, had fallen into dependence on the bishop; he became in his estimation a subordinate officer, or had disappeared before him—a change effected without trouble by the mere popularity of the episcopate; and the natural tendency of this change was to constitute a kind of municipal autocracy, to the detriment of civil and political liberty.*

A certain confusion crept imperceptibly into the ideas entertained upon the source of urban authority and jurisdiction, and it was no longer distinctly seen from whom they emanated, whether from the people or the bishop. A silent struggle commenced from that time between the two principles of a free municipality and of an episcopal preponderance; then stepped in feudality, and lent all its influence to this last principle. It gave a new form to the temporal power of the bishops; it applied the institutions and all the privileges of the demesnial seigniory to the civic patronage, now degenerated into a quasi-sovereignty. The government of the towns, in spite of its origin, was gradually modelled on the system of the courts and the castles. The leading citizens became hereditary vassals of the cathedral church, and in that

* The qualification of *Seigneur, Dominus, Domnus*, was given to bishops in their cities long before the feudal times. An act passed in 804 by the *Curie* of Angers presents as synonyms the titles of Defensor and of Vice-domus; we first read, *Adstante viro laudabile Wifredo defensore, vel cuncta curia*, . . . and at the end, *Signum Wifredo, vice-domo*. See Martène, Amplissima Collectio, pp. 58 and 5[illegible]

character they oppressed the municipality, or usurped all its powers. The companies of professions and trades, unduly burdened with dues and compulsory service, fell into a state of dependence almost servile. In this way the condition imposed upon the industrial classes on the domains of the rich, and in the new towns which had not been enfranchised by a positive concession, tended by the very course of circumstances to become universal, and to be imposed upon the inhabitants, hitherto free, of the ancient municipal cities.

There were some cities where an undivided and permanent supremacy of the bishop as seigneur was established; there were others in which the feudal government was twofold, and was divided between the ecclesiastical power and that of the officer of the king, count or viscount. In the cities, which were the theatre, more or less stormy, of this rivalry, the bishop, perceiving the necessity of a political alliance, separated himself less from the free municipality, or threw himself back upon it. He lent it his support against the encroachments of the lay powers—he became the guardian of the elective principle; and this co-operation, if it did not arrest the progress of the decay of the municipal power, became at a later period a means of civil reaction and constitutional reform. The tenth and following centuries mark the lowest degree of degradation and oppression in the urban population; it was, if not the most unfortunate

class, certainly the one which could endure with least resignation its new social condition, for it had never yet been either slave or serf: it had hereditary liberties, and the pride which such recollections give. The destruction of these institutions, which was in no part complete, did not take place without resistance; and when the documents of our history are sifted to the bottom, there may be found in them, prior to the twelfth century, the traces of a civic struggle against the feudal powers. It was during this period of troubles and of a return to a sort of barbarism that the fusion into one class and one spirit was effected between the native and the German portion of the inhabitants of the Gallic cities, and that a common law was formed between them, founded on municipal customs, composed in different proportions, according to the territorial zones, of the elements of Roman tradition, and of the remains of the ancient barbarian codes.

This crisis in the condition of the urban society—that living remnant of the Roman world—was not confined to Gaul; it took place in Italy, under far better auspices for the cities of that country, which were larger, richer, and situated nearer together. It was there that, during the latter half of the eleventh century, favoured by the quarrel between the priesthood and the empire, the revolutionary movement broke out, which, by degrees or by a reaction, revived under new shapes and with a fresh degree of energy the spirit of municipal independence. On the foundation

of their ancient Roman institutions, more or less altered, the cities of Tuscany and Lombardy constructed a model of political organization, in which the greatest possible development of civil liberty was joined to an absolute right of jurisdiction, to the military powers, to all the prerogatives of the feudal seigniories. They created magistrates, who were at once judges, governors, and generals; they held meetings, exercising for the time sovereign authority, in which peace and war were decided upon. Their elective rulers took the name of Consuls.*

The movement which matured and spread these republican constitutions was not long in penetrating into Gaul across the Alps, and along the sea-coast. From the commencement of the twelfth century, the new form of municipal government, the consulate, is seen making its appearance successively in the cities which had the most intimate commercial relations with those of Italy, or the closest affinity with them in manners, material condition—in all the circumstances, in short, of civil and political life. From the principal cities where it was established, either by actual force or by mutual agreement between the citizens and the seigneur, the consular constitution extended by degrees to the cities of less importance. That kind of propagandism embraced in the South the third part of France as it now exists; while within

* See the *Considérations sur l'Histoire de France*, under the head of "*Récits des Temps Mérovingiens*," chap. vi.

a different zone in the north and the centre of the country, the same impulse of the popular mind, the same social causes, produced entirely different effects.

At the opposite extremity of the country, at the points which could not be reached by Italian influence, a second form of constitution, as recent and energetic, but less complete than the other, the *commune jurée,* arose spontaneously by the application to the municipal government of a species of association, the use of which was derived from German customs.* This form of free municipality, adapted to the social state, to the degree of civilization, and to the mixed traditions of northern Gaul, spread itself from north to south, at the same time that the consular form of government spread from south to north. On both sides, in spite of the difference of their proceedings and results, there was the same spirit—the spirit of action, of civic devotion, and creative inspiration. The two grand forms of municipal constitution—the *commune,* properly so called,† and the city governed by consuls—held equally as a principle the right of insurrection, more or less violent, more or less restrained; and, as an end, the equality of

* See the *Considérations sur l'Histoire de France,* chap. vi., p. 164 and following, in 8vo, 1852.

† This word had not such a general meaning in the Middle Ages as we give it at present; it designated in a special manner the municipality constituted by association and mutual assurance under the pledge of an oath. See the *Considérations sur l'Histoire de France,* chap. vi., p. 174 and following.

rights, and the rehabilitation of labour. By the one or the other the existence of the urban state was not only restored, but renewed: the cities obtained the guarantee of a twofold state of liberty; they became *personnes juridiques* according to the ancient civil law, and *personnes juridiques* according to the feudal law—that is to say, they had not merely the power of controlling the interests of the neighbourhood, that of possession and alienation, but they obtained the same right of sovereignty within the circuit of their walls as the seigneurs exercised on their domains.

The two streams of municipal revolution, which advanced towards one another, did not meet at first. There existed between them an intermediate zone, where the shock made itself felt without going so far as a complete reform, as a constitutional renovation. In the central parts of Gaul, some ancient municipal cities of importance freed themselves from the seigneurial yoke by successive efforts, which secured to them a government more or less free, more or less democratic, but which had nothing of the character either of the *commune jurée* of the north, or of the consulate of the southern cities. Some reproduced, in the number of their elective magistrates, combinations analogous to those which were presented by the system of the Gallo-Roman *curies;* others aimed at an uniform method in their constitution, the government of four persons chosen each year by the majority of the citizens, and exercising the administrative and ju-

dicial power either alone or with the assistance of a certain number of notables.* In this arrangement were found the guarantees of civil and political liberty; but although these cities, less bold in point of innovation, might have succeeded in freeing the principle of popular election from its trammels, their municipal independence remained in many respects feeble and undecided; the energy and glory belonged to the new constitutions, to the consular government, and the *commune jurée,* the highest expression of the liberal instincts of the period.

This complete revolution, by which some ancient cities remained uninfluenced, penetrated under one or other of these two forms into many citics whose foundation was subsequent to the time of the Romans. Sometimes, indeed, when the city was situated close to an important borough which had sprung up under its walls, it came to pass that it was in the borough alone and not in the city that either the consulate or the government of the *commune jurée* was established.† Then, as always, the spirit of renovation blew where

* The ten *prud'hommes* of Orléans and Chartres seem a reminiscence of the part which the ten first senators *Decemprimi, Decaproti,* acted in the Roman municipality. The government of four *prud'hommes* which existed at Bourges and Tours enjoyed great popularity over a line of country stretching from the east to the west through Touraine, Berry, the Nivernais, Burgundy, and Franche-Comté.

† For examples of the first, Périgueux and Puy-Saint-Front may be cited; of the second, Tours and Châteauneuf.

it listed; its course seemed well ordered in some points, and in others capricious: here it met with unexpected encouragements, there it was arrested by unlooked-for obstacles. The chances were various, and the success unequal, in this great struggle of the *bourgeois* against the seigneurs; and not only was the amount of guarantees seized by force or obtained by good will not the same everywhere, but even in cities under the same political forms there were different degrees of liberty and independence. It may be said that the series of the municipal revolutions of the twelfth century offers something analogous to the movement which in our own times has spread the constitutional system through so many countries.* Imitation played a considerable part in it; war and peace, menace and concession, interest and generosity, bore their part in the final event. Some at the first outbreak obtained their object, others almost within reach of it found themselves carried back; there were great victories and great failures, and frequently the most noble efforts, and a will ardent and devoted, displayed themselves without success, or terminated in nothing of importance.†

Above the almost infinite variety of changes which were effected during the twelfth century in the government of the cities, whether great or small,

* See the *Lettres sur l'Histoire de France*, Lettre xiv.

† See the history of the *commune* of Vézelay, *Lettres sur l'Histoire de France*, Lettres xxii., xxiii., et xxiv.

ancient or modern, there floats, if I may use the expression, one particular idea, the idea of reducing under the public government of the city all that had fallen by abuse, or continued from custom, under the private government of the domain. This suggestive idea could not be confined within the limits of a municipal revolution; it contained the germ of a series of revolutions destined to overthrow feudal society from top to bottom, and to efface even its least vestiges. We here reach the source of the social state of modern times; it is in the enfranchised, or rather regenerated cities, that the first manifestations of its character appear under a great variety of forms, more or less free, more or less complete. Institutions were there developed and preserved in an isolated form, which were one day destined to be no longer local, but to be recognised by the political and civil law of the country. By the charters of the communes, the charters of customs, and the municipal statutes, the written law resumes its supremacy; the administration, whose exercise had been lost, springs into vigour again in the cities; and its experiences of every kind, which are daily repeated in a multitude of different places, serve as an example and lesson to the State. The *bourgeoisie*, a new nation, whose usages are civil equality and unfettered industry, raises itself up between the nobility and serfdom, and for ever destroys the social duality of the early feudal times. Its innovating instincts, its activity, the

capital which it accumulates, are forces which re-act in a thousand ways against the power of the possessors of the soil; and, as in the beginnings of all civilization, the movement recommences with the urban life.

The action of the cities upon the rural districts is one of the great social facts of the twelfth and thirteenth centuries; municipal liberty, in all its stages, flowed down from one to the other, either by the influence of example and the contagion of ideas, or by the effect of a political patronage or a territorial incorporation. Not only did the populous towns aspire to the immunities and privileges of the fortified cities, but, in some places in the north, the new urban constitution, the *commune jurée*, was applied for good or evil, to single villages, or to the associated inhabitants of many villages.* The principles of natural right which, joined to the recollections of the ancient civil liberty, had inspired the *bourgeois* classes with the conception of their great revolution, descended into the agricultural classes, and there gained double force from their anguish of heart, the hardships of their serfdom, and the detestation of their territorial dependence. Having up to this time entertained scarcely a hope beyond that of being dis-

* See the Letters of Philippe-Auguste under the dates of 1184, 1185, 1186, 1196, 1205, 1216, and 1221. (*Recueil des Ordonn. des Rois de France*, t. xi., p. 231, 237, 245, 277, 291, 308, et 315.)

charged from the most onerous services, the peasants, man after man, family after family, now raised themselves to the ideas and the desires of another rank; they began to demand their enfranchisement by whole seigniories and districts, and to league themselves together to obtain it. That cry, appealing to the instinctive consciousness of original equality, *We are men as well as they*,* resounded through the hamlets, and rang in the ears of the seigneurs, enlightening while it menaced them. Traits both of blind fury and touching moderation marked this new crisis in the condition of the country people: a multitude of serfs, deserting their holdings, abandoned themselves in gangs to a life of vagrancy and pillage; others, calm and determined, bargained for their liberty, offering to give in return for it, say the charters, whatever price might be set upon it.† The fear of dangerous resistance, the

* Nus sumes homes cum il sunt,
Tex membres avum cum il unt,
Et altresi granz cors avum,
Et altretant sofrir pöum;
Ne nus faut fors cuer sulement.
(Wace, *Roman de Rou*, t. i., p. 306.)

† Eodem anno (1183) in provinciâ Bituricensi, interfecta sunt septem millia Cotarellorum . . . . et eo amplius, ab incolis illius terræ in unum contra Dei inimicos confœderatis. Isti terram regis vastando prædas ducebant. . . . (Rigordus, *De gestis Philippi Augusti*, apud Script. rer. gallic. et francic., t. xvii., p. 11.)—Omnes homines nostri de corpore, tam masculi quam femine, qui habitant in terrâ nostrâ de Stempensi, et

spirit of justice and interest, induced the masters of the soil to treat by pecuniary transactions for their rights of every description and their immemorial power. But these concessions, however large they might be, could not produce a complete, a general change. The obstacles were immense. The whole system of the landed property had to be destroyed and replaced. There was not in this instance the speedy and sympathetic action of revolution like that which favoured the revival of the municipal cities; the work was long, it required for its accomplishment a period of no less than six centuries.

illi etiam qui de eâ tenent et possident, ubicunque commorantes, astrinxerunt se nobis, per sacramentum a singulis sigillatim corporaliter prestitum et receptum, quod si servitutis opprobrium ab eis tolleremus, libertatis beneficium eis et filiis suis tam natis quam nascituris impendentes, quascumque redhibitiones, et sibi et hæredibus ipsorum et terræ nostræ vellemus imponere, ipsi gratanter reciperent firmiter observarent, et in nullo penitus contrairent. (*Charte du Chapitre de Sainte-Croix d'Orléans*, confirmée par lettres de Louis VIII. [1224], *Recueil des Ordonn. des Rois de France*, t. xi., p. 322.)

## CHAPTER II.

### THE PARLIAMENT IN THE THIRTEENTH CENTURY—THE STATES-GENERAL OF 1302, 1355, AND 1356.

Summary: Revival of the Royal Authority—New Judicial Institutions—Civil Law of the *Bourgeoisie*—Revival of the Roman Law—The King's Court or the Parliament—Political Doctrines of the Civilians—Their Revolutionary Action—States-General of the Kingdom—Accession of the *Tiers Etat*—Its Principles, its Ambition—States-General of 1355 and 1356—Etienne Marcel, Prévôt des Marchands of Paris—His Character, his Designs—The Jacquerie—Fall and Death of Etienne Marcel—Royalty under Charles V.—Point at which our social History takes a regular Course.

Municipal cities restored, cities under the government of the consulate, of the commune, or simply of the citizens, towns and villages enfranchised, a multitude of small states, more or. less complete, asylums opened to shelter the life of industry under the protection of political, or perhaps of only civil liberty—such were the foundations that were laid in the twelfth century for an order of things which, developing itself up to our times, has grown into the form of modern

society. These elements of social renovation did not possess within themselves the means of mutual alliance, or of subduing the adverse influences which surrounded them; the power which had created them was only able to preserve them more or less intact in their original isolation. It was necessary that a power, at once external and superior, should come to their assistance by openly attacking that territorial aristocracy, which had borrowed its last form from the conquest and usages of the Germans.

After the feudal dismemberment, Royalty looked round in vain for its proper position. German by origin, but taking its shape in Gaul, and imbued with imperial traditions, it had never forgotten its Roman principle—equality before itself and before the law. That principle vainly asserted by the Merovingians against the insuperable pride of the Frankish conquerors received its final rebuff at the decline of the second race. At that time two ideas, which are, as it were, the poles of all really civil society, the idea of the prince and that of the people, disappeared; and, under the name of State, there appeared nothing more than a hierarchy of local sovereigns, each master of a part or parcel of the national territory. The revival of an urban society re-opened the ways of civilization preserved by tradition, and prepared everything for the renovation of political society. The King of France found in the cities—reconstituted in municipal form, what the citizen renders to the State,

but what the barons would not or could not render—a real submission, regular subsidies, a militia capable of discipline.* It was by this assistance that, before the end of the twelfth century, the Crown, overstepping the limits within which the feudal system had restricted it, made of its supreme seigneurial powers, till then almost inert, an authority active and militant, for the defence of the weak and the maintenance of the public peace.†

I do not mean to assert that the revival of the royal authority was caused solely and immediately by the revolution which gave rise to the communes. These two important events were produced independently of one another, from tradition rendered fruitful by propitious circumstances; they encountered, and simultaneously influenced each other. Their coincidence was marked by a kind of impulse towards all that constitutes public prosperity; the resumption of improvement in the state of the material objects of life speedily accompanied the accession of a new class of freemen. In the twelfth century, a clearance of forests and wastes, unheard of till then, was effected. The ancient cities grew into importance, new cities arose and were peopled by families escaped from serf-

* The citizens were everywhere organised into companies, regularly armed, and exercised in bow and cross-bow practice.

† See the *Histoire de la Civilisation en France*, by M. Guizot, t. iv., p. 107 and following.

dom;* it was then, lastly, that the movement commenced towards a territorial re-adjustment, which was destined to restore royalty to its power, and to conduct it one day to unity.

In the following century appear the judicial and legislative reforms; they break in upon the feudal law, and inaugurate a new civil law which passed from the sphere of the municipalities into the high sphere of the State. Originating in the charters of the communes, and in the customs drawn up for the cities or the boroughs, this law of the *bourgeoisie*, opposed to that of the nobles, was distinguished from it by its very essence. It had for its basis natural equity, and regulated according to its principles the condition of individuals, the constitution of the family, and the transmission of hereditary property. It established the division of paternal or maternal property, real or personal, between all the children, the equality of brothers and sisters, and, in the case of married persons, the common right in property acquired during marriage.†

* Hinc est quod sub ipso (Ludovico VII.), pace vigente, tot novæ villæ conditæ sunt et veteres amplificatæ, tot excisa nemora et exculta, ordinesque diversi diversis in locis multipliciter propagati. . . . (*Chronologia Roberti, Monachi Altissiodorensis*, apud Script. rer. gallic. et francic., t. xii., p. 299).—Quasdam villas novas ædificavit, per quas plures ecclesias et milites de propriis suis hominibus, ad eas confugientibus exheredasse non est dubium. . . . (*Fragmentum Historicum de Vitâ Ludovici VII.*, ibid, p. 286.)

† See the two works of M. Edouard Laboulaye, *Histoire de*

Thus we find, under a rude form, and marked on the one hand with the stamp of semi-barbarous customs, on the other with a more decided tinge of Christian influences, the same spirit of justice and reason which had once traced the grand features of Roman law.

The social revolution was also accompanied and maintained in its development by a scientific revolution, by the revival of the study of the Roman laws, and other monuments of that ancient and admirable jurisprudence. The impulse was here also given by Italy, where the public teaching of the law never ceased during the whole course of the Middle Ages, and maintained an obscure existence at Ravenna before it reflourished at Bologna. From the twelfth century, numerous students, in their travels passing the Alps, carried into France the new doctrine of the commentators on the civil law; and that law was soon professed concurrently with the canon law in many cities of the South, and also at Angers and Orleans.* It became *raison écrite* in that portion of the country whose customs had preserved but a small part of the Roman law; it became *droit écrit* in those where the

*la Propriété au Moyen Age*, conclusion, and *Recherches sur la Condition civile et politique des Femmes, depuis les Romains jusqu'à nous*, liv. iv., sec. ii. and iii.

* See the *Histoire du droit Romain au Moyen Age*, by Savigny, t. i., and the *Histoire Littéraire de la France*, t. xvi., p. 85.

Roman law, intermixed and not uprooted by contact with the laws of the Barbarians, had passed into their usages and still existed in the form of the law of custom. The maxims and rules drawn from the imperial codes by minds ardent and anxious for truth and justice found their way from the schools into practice; and, under their influence, a whole class of civilians and politicians, the head and soul of the *bourgeoisie*, sprung up, and commenced in the upper courts the struggle of the common law and equity against custom, privileges of class, and actions illegal and unjust.

The King's Court or the Parliament, the supreme tribunal and council of State, became, by the introduction of these new men, the focus of the most active spirit of reform. There, proclaimed and applied day after day, the theory of the imperial power, of the public authority, one and absolute, equal towards all, the sole source of justice and law, reappeared. The civilians following the letter, if not the tradition, upwards even to the Roman times, placed themselves in idea at that point, and thence contemplated the civil and political order of their own times. In looking at the influence which they exercised upon the thirteenth and fourteenth centuries, we might say that they had gathered from their studies this conviction, that in the then existing state of society only two things were lawful, the crown and the *bourgeoisie*. We might even say that they anticipated the

historical destiny of these two institutions, and that, in putting the seal of law upon them, they marked beforehand the two points to which everything was to be brought back. It is certainly the fact that the civilians of the Middle Ages—judges, counsellors, officers of the crown—have for six centuries prepared the way of future revolutions. Impelled by their professional instincts, by that spirit of bold logic which follows up from inference to inference the application of a principle, they commenced, without measuring its extent, that immense task to which, after them, the labour of succeeding centuries applied itself—to re-unite in one single hand the sovereignty which had been parcelled out, to lower all that was above them to the classes of the *bourgeoisie*, and to raise to their level all that was below.

That war of equity against existing law, of ideas against facts, which breaks out at intervals in human societies, has always two periods of a very dissimilar character: the first, when the reforming spirit prescribes to itself limits, and modifies itself of its own accord by the sense of equity; the second, when it is hurried on and dashes to pieces without control every object which opposes it. Two famous reigns which, following so close together, form one of the most remarkable contrasts that history can present, the reigns of Louis IX. and Philippe le Bel, correspond to these two successive periods in the politico-judicial reform with which the administrative era of the French monarchy commenced.

This revolution, begun with so much mildness and caution by the king, at once a saint and a great man, appeared in the hands of his grandson harsh, violent, arbitrary, and even iniquitous. From the manner in which the measures, whose ultimate object was an order of things better and fairer for all, were pursued, it had not the power, in spite of its spirit and its tendency, to excite the affections of the people: no burst of hope and joy accompanied it in its progress—there was no uproar, no scenes of popular enthusiasm—all was coldly worked out in a secret laboratory; it was the labour of the miner who pursues his work in silence till the hour when the assault is made. Never, perhaps, was there a social crisis of an aspect more gloomy than that: for the privileged classes there was spoliation and retribution; for the masses, all the burden of a rude attempt at administrative government, having more of cunning than of power, maintaining itself by expedients and extortions, costing much and giving nothing. Only above that disorder, pregnant with ruin and suffering, but the cradle of future order, a voice was heard from time to time, the voice of an absolute king, who in the name of the law of nature proclaimed the right of liberty to all, and in the name of the law of God rebuked the institution of serfdom.*

* Seeing that every human creature who is formed in the image of our Lord ought universally to be free by natural right, and in some countries that natural liberty and freedom is effaced and obscured by the yoke of slavery, which is so hateful

The civilians of the fourteenth century, the founders and ministers of the royal aristocracy, met with the fate common to great revolutionists: the bolder of them perished under the reaction of those interests which they had injured, and the customs whose course they had impeded.* More than once Royalty flinched in its new career, and was forced backwards by the resistance of the powers and privileges of feudality. But in spite of these inevitable relapses, and of the concessions made under feeble reigns, two things continued to increase without check, the number of free men under the denomination of *bour-*

seeing that the men and women who dwell in the places and countries above-mentioned are considered in their lifetime as if dead. . . . (*Ordinance of Philippe le Bel* [1311]; *Recueil des Ordonn. des rois de France*, t. xii., p. 387.)—As according to the law of nature everyone must be born free; and by some usages and customs, which from great antiquity have been introduced and retained up to the present in our kingdom, and perhaps by the fault of their predecessors, many persons of our common people are fallen into the bonds of slavery and of various conditions which much displease us: we considering that our kingdom is called and named the kingdom of the free (*le Royaume des Francs*), and anxious that the thing should really be in accordance with the name. . . . (*Ordinance of Louis le Hutin* [1315, 3 July], ibid, t. i., p. 583.) — *Ordinance of Philippe le Long* (1318, 23 January), ibid, p. 653.

* Enguerrand de Marigny, hanged at Montfaucon in the reign of Louis X.; Pierre de Latilly, Chancellor of France, and Raoul de Presle, avocat du roi in the Parliament, both subjected to torture in the same reign; Gerard de la Guette, Minister of Philippe le Long, killed on the rack in 1322; Pierre Frémy, Minister of Charles le Bel, hanged in 1328.

*geoisie* and the movement which led this class to place itself under the immediate protection and justice of the king. A revolution, less striking and less spontaneous than the communal revolution, subsequently adopted, as its substructure, the results of the latter; and, by slow but uninterrupted efforts, succeeded in making of a multitude of small and separate states one single society, connected with one sole centre of jurisdiction and government.

In the first place, it was laid down as a principle that no commune could be established without the consent of the king; next, that the king alone had power to create communes; next, that all the cities, communal or consulate, were *ipso facto* under his immediate seigniory.* When this last point was gained, Royalty made a step in advance; it assumed the right of creating *bourgeois* through all the kingdom, on the domains of others as well as its own. By a strange fiction, the privilege of the *bourgeois*, a right essentially belonging to property, attached to the dwelling and conferred by the occupation of it, became a kind of personal privilege. The *bourgeois* could change his jurisdiction without changing his residence—declare himself a freeman and citizen

* Hinc est quod, cum ad dominum nostrum et nos in solidum pertineat creare et constituere consulatus et communitates. . . . (Ordinance of Charles, Regent of the kingdom during the captivity of King John [November, 1358], *Recueil des Ordonn. des rois de France*, t. iii., p. 305.)

without quitting the seigneurial soil; and, as the ancient acts express themselves, *disavow his own lord and avow himself the bourgeois of the king.** In this way the enrolment into the corporation of the inhabitants of a privileged city ceased to be the only mode of obtaining the full enjoyment of civil rights. The privilege was no longer merely local, but became personal; and, by the side of the *bourgeoisie* of the cities and the communes, it imperceptibly created a new class of free commoners (*roturiers*), to whom might be given by way of distinction the denomination of citizens of the kingdom.†

* See the *Glossaire du Droit Français*, by Laurière, and the Dissertation by Bréquigny on the *bourgeoisies*, at the beginning of t. xii., *Reçueil des Ordonnances des rois de France.*

† Cum in comitatu Brene, feodis, retrofeodis et gardiis ipsius comitatus et aliis terris quas dilectus et fidelis consanguineus noster, Galtherus, dux Athenarum et comes dicti comitatus, habet in comitatu Campanie, sint plures homines et femine, burgenses nostri albani superventi aliunde et alii qui se advoaverunt et advoant nostros homines et feminas de jurata, ac etiam plures homines et femine dicti consanguinei, suorum feodorum, retrofeodorum et gardiarum, qui eos deadvoaverunt et se advoaverunt et advoant homines et feminas nostros de dicta jurata; nitendo se eximere a servitute qua sunt ipsi consanguineo nostro et suis feodatis, retrofeodatis et gardiis, ut dicunt, astricti. . . . (Ordinance of King John [1355, November], *Recueil des Ordonn. des rois de France*, t. iv., p. 724.) . . . . Cum a predecessoribus nostris Francie regibus, vasallorum et dominorum aliorum utilium seu immediatorum subditis in senescaliis Tholose, Carcassonne et Bellicadri, per dictos suos dominos, suos justiciarios seu officiarios oppressis subvenire volentibus et ipsos a gravaminibus relevare, ductis et

All these circumstances resulted from a new social principle, from a right subversive of existing rights; and none of them was established without a protest and a struggle. It was not so with the famous institution which made the *bourgeoisie* a political order, represented by its deputies in the great assemblies of the kingdom. These assemblies, the tradition of which had passed from German customs into the system of the feudal monarchy, were composed of deputies elected respectively by the nobility and clergy, and forming either one common body or two separate chambers.* From the time that a third order of men, with the full enjoyment of freedom and property, was formed by the revival of the municipal towns, and the enfranchisement of the boroughs, this order, although inferior to the two others, shared in its own sphere the political rights of the ancient orders; it was summoned to give counsel in important matters, and to deliberate upon the imposition of fresh taxes.

excitatis ad hoc ex frequenti querela subditorum ipsorum, fuerit ab antiquo, provia consilii deliberatione matura, laudabiliter ordinatum, ut quicunque taliter oppressi cujuscunque status et conditionis existerint, dimissa dicti sui immediati dominii subjectione, subjectionem nostram ingredi et nostri burgenses effici possent, et ad hoc admitterentur libere, cessante contradictione quacunque. . . . . (*Ordinance of Charles V.* [1373, July 29]; ibid., t. v., p. 627.)

* See the account of the election of Charles of Valois, as King of Aragon and Count of Barcelona. Rymer, *Fædera, Conventiones, Litteræ*, &c., t. i., p. 639.

The cities, by their privileges, which they had acquired by open force, or which were conceded to them by good will, were become, like the castles, an integral part of the feudal hierarchy, and feudality recognised in all its members the right of free consent in the grant of taxes and subsidies. It was one of the old usages, and the best principle of that system. The urban population enjoyed this privilege without the necessity of claiming it, and without its being disputed by any party. The convocation of the representatives of his *bonnes villes** by the king took place in an isolated manner, on rare and special occasions only; and the circumstance, however novel it might be, did not appear at the time worthy of interest. The formulas of certain royal charters are the sole witness which remains of them before the reign of Philippe le Bel,† and we must descend as low as that reign in order to see it assume a striking position, and take its place among the great facts of our national history.

The increase of expenses and the wants of royalty, which made it necessary to call fresh means of administration into existence, in the midst of which the fourteenth century commenced, must have natu-

* See below, note 2, p. 61. Particular cities were thus honourably distinguished by the kings of France.—*Translator's note.*

† See the Ordinance of St. Louis, 1262, countersigned by three *bourgeois* of Paris, three of Provins, two of Orléans, two of Sens, and two of Laon. *Recueil des Ordonn. des rois de France*, t. i., p. 93.—The origin of the States in particular provinces is the same as that of the States-General of the kingdom.

rally led to more frequent and regular summonses of the representatives of the cities and communes. Some important events which occurred in the first year of the century gave an unusual solemnity and the character of a national representation to convocations, which were up to that time partial, and which took place one after the other without attracting much attention. The court of Rome, in violation of the regulations and treaties which limited its power in France, claimed a right of temporal supremacy over the affairs of the kingdom. On this point an open struggle commenced between Pope Boniface VIII. and Philippe le Bel: the Pope summoned a general council; and the King a general assembly of deputies of the three States—the clergy, nobility, and *bourgeoisie* of the cities.* Those of the north sent their *échevins*, those of the south their consuls, and the voice of the commons was listened to as of the same right as that of the barons and dignitaries of the Church. "From you," said the representatives of the *bourgeoisie*, in their address to the King, "from you, Sire, our most honoured Prince, Philip, by the grace of God, King of France, the people of your kingdom beg and request, so far as belongs to them, that provision be made to enable you to preserve the sovereign independence of your kingdom, which is such that you could not recognise in your temporal

* The three States of France were convoked at Nôtre-Dame in Paris on the 10th of April, 1302.

character any sovereign on earth except God."* This vow of independence in behalf of the crown and country nobly marks the first appearance of a political spirit in the commonalty beyond the circle of their interests and their municipal rights; it became afterwards one of the fundamental maxims which, originating from the popular instinct and transmitted from generation to generation, formed what we may call the tradition of the *Tiers Etat*.†

This name of *Tiers Etat*, when used in its ordinary sense, properly comprises only the population of the privileged cities, but in effect it extends much beyond this; it includes not only the cities, but the villages and hamlets—not only the free commonalty, but all those for whom civil liberty is a privilege still to come. However restricted, too, by its exclusively municipal character, the representation of the third order might be, it had always the merit of believing itself charged with the duty of pleading, not the cause of this or that section, of this or that class of the

* Rex autem. . . . Parisiis convocans ad concilium universos regni Franciæ barones, prælatos, duces et comites, abbates et procuratores capitulorum suorum, decanos et custodes ecclesiarum collegiatarum, vice-dominos, castellanos, majores et scabinos communiarum. . . . (*Chronique de Guillaume de Nangis*, t. i., édition de Géraud, p. 314.)

† *Chronologie des Estats généraux*, by J. Savaron (Caen, 1788), p. 94. See the Report of my brother, Amédée Thierry, on the competition for the prize of History decreed in 1844 by the Academy of Moral and Political Sciences.

people, but that of the mass, as distinguished from the nobles, that of the people without distinction of freemen or serfs, of citizens or peasants.* It must, however, be admitted that the *bourgeoisie* itself did not at first attach much value to the right of being consulted, like the two first orders, upon the general affairs of the kingdom.† This right, which it scarcely ever exercised without some kind of inconvenience, was a subject of suspicion, because every convocation of the States naturally terminated with some new demands of the treasury. Its part was subordinate and undefined in the States-General, which succeeded those of 1302, under Philippe le Bel and his successors, up to the end of the fourteenth century, and which were generally convoked on the occurrence of wars, or of a new reign. But in the reign of John, the public distress and the unusual amount of national calamity caused an outburst of feeling and ambition in the communes of France which made them attempt projects unheard of up to that time, and lay hold of all at once and for a moment that preponderance of the *Tiers Etat* which

* The words *gens de tiers et commun état* are found in many acts of the fifteenth century. The expressions *tiers état*, *commun état*, and *le commun*, are used indifferently.

† The elections of deputies of the *Tiers Etat*, limited during the fourteenth century and great part of the fifteenth, to what were called the *bonnes villes*, were towards the end of the fifteenth century extended to cities which were not protected by walls and to simple villages. See below the States-General of 1484.

could not be established beyond danger of relapse till after five centuries of efforts and progress.

The two centuries which had passed since the revival of the municipal liberties had given to the rich *bourgeois* of the cities the experience of political life, and had taught them to know and desire all that constitutes a well-regulated society, either within the circle of the city walls or over a wider extent. As regarded the cities and communes, whatever might be the form of their government, order, regularity, economy, care of the general weal formed not only a principle, a maxim, a tendency, but a fact of every day's experience, guaranteed by institutions of every kind, in the management of which each functionary or responsible person was constantly overlooked and controlled. Without doubt the representatives of the *bourgeoisie* in the first States-General, when summoned to vote subsidies, and to see how they were dispensed, were forcibly struck with the contrast there exhibited between the royal administration with its rash measures, its crafty expedients, its old or fresh abuses, and the urban administration, following its immemorial laws, scrupulous, upright, just, whether of its own accord or in spite of itself. Among those men of clear and active intelligence, the most enlightened would naturally conceive the idea of introducing into the centre of the State the system which they had seen practised under their own eyes, which they had practised themselves in accordance with the local tra-

dition and the example of their predecessors. This idea, timidly expressed at first in the presence of royalty, which did not pay attention to it, and of the privileged bodies which did not look beyond themselves for counsel, was openly declared when extraordinary necessities, brought on by war from without and by ruin from within, compelled the king and his ministers to look for assistance at any sacrifice, and showed clearly their own inability to remedy the public misfortunes.

From this position of circumstances arose the spirit of reform which burst forth so suddenly and energetically in the States-General of 1355. The resolutions of that assembly, which immediately received the force of law by a royal ordinance, contain, and in some points even exceed, the modern guarantees of which the system of constitutional monarchy consists. We there see the authority divided between the king and the three estates representing the nation, and represented themselves by a commission of nine members; the power of adjourning to a stated time vested in the assembly itself; taxes assessed on all classes of persons, and reaching to the king himself; the right of collecting the taxes, and the control of the financial administration given to the states acting by their deputies at Paris and in the provinces;* the establishment of a

* Est ordonné que des trois estaz dessus diz seront ordennez et depputez certaines personnes bonnes et hounestes, solables et loyauls et sans aucun souspeçon, qui par les pays ordenneront les choses dessus dittes, qui auront receveurs et ministres, selon

national militia by an injunction issued to each to arm himself according to his condition; lastly, the prohibition to remove any case whatever from the ordinary court of justice into another jurisdiction, the abolition of seizure or compulsory requisition for the royal service, and the suppression of monopolies carried on under the name of middle-men (*tierces personnes*) by the officers of the king or of the seigneurs.* Here we perceive, as it were, the breath of municipal democracy, something more methodical and more enlarged in point of liberty than the aristocratic opposition of the nobility and clergy. The initiative of the *Tiers Etat* prevailed, by the force of good sense and administrative experience, in those deliberations which, as far as outward appearance is concerned, were common

l'ordenance et instruction qui sera faite sur ce; et oultre les commissaires ou depputez particuliers des pays et des contrées, seront ordennez et establiz par les trois estats dessus dits neuf personnes bonnes et honnestes: c'est assavoir de chascun estat trois qui seront généraulx et superintendenz sur tous les autres, et qui auront deux receveurs généraux prud'hommes et bien solables, pour ce que lesdiz superintendens ne seront chargiez d'aucune recepte, ne de faire compte aucun. (Ordinance of 28 December, 1355, art. 2. *Recueil des Ordonn. des rois de France*, t. iii., p. 22.)

* Et ne seront lesdites aydes et ce qui en ystra levées ne distribuées par nos genz, par noz trésoriers, ne par noz officiers, mais par autres bonnes genz, saiges, loyauls et solables, ordonnez, commis et depputez par les trois estaz dessusdiz, tant aux frontières comme aillieurs où il les conviendra distribuer. (Ibid, art 5.)—Ibid, art. 6, 7, 8, 9, 11, 12, 13, 18, 19, et 52.

to the three orders.* The same thing took place with much more serious consequences in the States-General of 1356—a fatal year, when, in consequence of a battle imprudently hazarded, the king was made prisoner, the greater part of the nobles killed or taken prisoners in the confusion of flight, the forces of the kingdom annihilated, the government dissolved in the midst of foreign war, intestine discords, and general irritation of feeling.

The disaster of Poitiers excited in the minds of the people a sentiment of national grief, mixed with indignation and scorn at the nobility who had fled before an army so inferior in number. Those nobles who passed through the cities and towns on their return from the battle were pursued with imprecations and outrages.† The Parisian *bourgeoisie*, animated

* Furent assemblés à Paris, par le mandement du roy, les prélats, les chapitres, les barons, et les villes du royaume de France, et leur fist le roy exposer en sa présence l'estat des guerres. . . . Lesquels respondirent, c'est assavoir: le clergié, par la bouche de maistre Jehan de Craon, lors arcevesque de Rains, les nobles, par la bouche du duc d'Athènes, et les bonnes villes, par Estienne Marcel, lors prévost des marchans à Paris, que il estoient tous prests de vivre et de mourir avec le roy, et de mettre corps et avoir en son service, et délibéracion requistrent de parler ensemble, laquelle leur fu ottroiée. (*Chroniques de Saint-Denis*, édit de M. Paulin Paris, t. vi., p. 19.)

† Avec tout ce, les chevaliers et les écuyers qui retournés étoient de la bataille, en étoient tant haïs et si blâmés des communes que envis ils s'embatoient ès bonnes villes. Si parlementoient et murmuroient ainsi les uns sur les autres. (*Chron. de Froissart*, t. i., 2e partie, ch. 52.

with enthusiasm and courage, took upon itself at all risks the charge of its own defence; whilst the eldest son of the king, a youth of only nineteen, who had been one of the first to fly, assumed the government as lieutenant of his father. It was at the summons of this prince that the states assembled again at Paris before the time which they had appointed. The same deputies returned to the number of 800, of whom 400 were of the *bourgeoisie;* and the work of reform, rudely sketched in the preceding session, was resumed under the same influence, with an enthusiasm which partook of the character of revolutionary impulse. The assembly commenced by concentrating its action in a committee of twenty-four members, deliberating, as far as appears, without distinction of orders; it then intimated its resolutions under the form of petitions, which were as follow: The authority of the states declared supreme in all affairs of administration and finance, the impeachment of all the counsellors of the king, the dismissal in a body of the officers of justice, and the creation of a council of reformers taken from the three orders; lastly, the prohibition to conclude any truce without the assent of the three states, and the right on their part to re-assemble at their own will without a royal summons.*

* Ordinance of 3 March, 1357 (1356, old style), art. 1, 2, 5, 11, 39, 42, et 43; *Recueil des Ordonn. des rois de France,* t. iii., p. 128. . . .—Il esmut, enduit et enorta les députez dessusdiz à ce qu'il esleussent vingt-huit personnes des trois estas, c'est

The lieutenant of the king, Charles Duke of Normandy, exerted in vain the resources of a precocious ability to escape these imperious demands: he was compelled to yield everything. The States governed in his name; but dissension, springing from the mutual jealousy of the different orders, was soon introduced into their body. The preponderating influence of the *bourgeois* appeared intolerable to the nobles, who, in consequence, deserted the assembly and retired home. The deputies of the clergy remained longer at their posts, but they also withdrew at last; and, under the name of the States-General, none remained but the representatives of the cities,

assavoir: quatre prélas, douze chevaliers, et douze bourgois, qui averoient tout le gouvernement du royaume, qui ordeneroient la chambre de parlement, des comptes et de touz autres offices, et y metteroient telles personnes comme bon leur sembleroit. Et par ce appert clérement que le gouvernement, l'auctorité et la puissance de gouverner le royaume il vouloit oster au roy et à monseigneur le duc, ou au moins leur en vouloit si petit laissier comme niant, car, toute l'auctorité de fait feust aus vingt-huit esleuz, et n'en eust le roy ne le duc fors nom tant seulement. (Articles against Robert le Coq, Bishop of Laon: manuscript published by M. Douet d'Arcq, in the *Bibliothèque de l'Ecole des chartes* t. ii., p. 365, art. 52.)—Froissart says that the council of the States ought to be composed of thirty-six persons; but a list which may be received as authentic assigns twenty-four members to this council, viz.:—six nobles, eleven ecclesiastics, and seventeen *bourgeois*. Thus the representation of the communes was then equal in number to those of the nobles and clergy united. See in tom. ii. of the *Bibliothèque de l'Ecole des chartes*, the document cited above.

alone charged with all the responsibilities of the reform and the affairs of the kingdom.* Bowing to a necessity of central action, they submitted of their own accord to the deputation of Paris; and soon, by the tendency of circumstances, and in consequence of the hostile attitude of the Regent, the question of supremacy of the states became a Parisian question, subject to the chances of a popular *émeute* and the guardianship of the municipal power.†

At this point appears a man whose character has

* Or vous dis que les nobles du royaume de France et les prélats de sainte église se commencèrent à tanner de l'emprise et ordonnance des trois états. (*Chroniq. de Froissart*, liv. 1er, 2e partie, ch. 62.)—Le huitiesme jour d'après Noël l'an dessusdit, fu l'assemblée à Paris des bonnes villes, mais il n'y ot aucuns nobles et pou y ot de gens d'église. Et tous les jours assembloient et sine povoient estre à accort. Et toutes voies ils demourèrent à Paris jusques au vingt-quatriesme ou vingt-cinquiesme jour de Janvier. (*Chron. de Saint-Denis*, t. vi., p. 80.)—Le dimenche devant karesme prenant, onziesme jour de Février, se rassemblèrent à Paris pluseurs des bonnes villes et du clergié, mais il n'y vint nul noble. Et par pluseurs journées se assemblèrent, si comme il avoient accoustumé. (Ibid, p. 86.)

† Le samedi ensuivant, vingt-quatriesme jour dudit moys, fu monseigneur le duc en la chambre de parlement, et avec lui aucuns de son conseil qui lui estoient demourés. Et là allèrent à luy ledit prévost et pluseurs autres avec luy, tant armés comme non armés, et requistrent à monseigneur le duc que il feist tenir et garder, sans enfraindre, toutes les ordenances lesquelles avoient esté faites par les trois estas, l'an précédent, et que il les laissast gouverner, si comme autrefois avoit esté fait . . . et pour ce que le peuple se tenoit trop mal content de moult de choses qui estoient faites au conseil de monseigneur le duc

grown into historical importance in our days from our greater facilities of understanding it, Étienne Marcel, *prévôt des marchands*—that is to say, mayor of the municipality of Paris. This *échevin* of the fourteenth century, by a remarkable anticipation, designed and attempted things which seem to belong only to recent revolutions. Social unity, and administrative uniformity; political rights, co-extensive and equal with civil rights; the principle of public authority transferred from the crown to the nation; the States-General changed, under the influence of the third order, into a national representation; the will of the people admitted as sovereign in the presence of the depositary of the royal power;* the influence of Paris over the provinces, as the head of opinion and centre of the general movement; the democratic dictatorship, and the influence of terror exercised in the name of the common weal; new colours assumed and carried as a sign of patriotic union and symbol of reform;† the transference of

contre lodit peuple, il voulsit mettre en son grand conseil trois ou quatre bourgeois que l'en lui nommeroit, toutes lesquelles choses monseigneur le duc leur octroya. (Ibid, p. 92.)

* Et quand ledit prévost fu en ladite chambre, et pluseurs armés de sa compaignie avec luy, il dit audit monseigneur le duc que il ne se meist point à mésaise de ce qui estoit advenu, car il avoit esté fait de la volenté du peuple, et pour eschiévier greigneurs périls. . . . Et requist ledit prévost à monseigneur le duc que il voulsist ratifier ledit fait et estre tout un avec eux. (*Chron. de Saint-Denis*, t. vi., p. 88 et 89.)

† La première semaine de Janvier ensuivant, ceux de Paris ordenèrent qu'il auroient tous chapperons partis de rouge et de

royalty itself from one branch of the family to the other, with a view to the cause of reform and the interest of the people*—such were the circumstances and the scenes which have given to our own as well as the preceding century their political character. It is strange to find the whole of it comprised in the three

pers; et fu commandé par les ostels, de par le prévost des marchans, que on preist tels chapperons. (Ibid, p. 73.)—Le prévost des marchans et les eschevins envoièrent lettres closes par les bonnes villès du royaume, par lesquelles il leur faisoit savoir le fait qu'il avoient fait, et leur requéroient que il se voulsissent tenir en vraie union avec eux, et que il voulsissent prendre de leurs chapperons partis de pers et de rouge, si comme avoient le duc de Normendie et pluseurs autres du sanc de France, si comme èsdites lettres estoit contenu. Et en vérité, ledit monseigneur le duc, le roy de Navarre, le duc d'Orléans, frère dudit roy de France, et le comte d'Estampes, qui tous estoient des fleurs de lis, portoient lesdits chapperons. (Ibid, p. 94.)

* Ledit roi de Navarre vint en la maison de la ville et prescha, et entre les autres choses dist que il aimoit moult le royaume de France et il y estoit moult bien tenu, si comme il disoit. Car il estoit des fleurs de lis de tous costés, et eust esté sa mère roy de France se elle eust esté homme; car elle avoit esté seule fille du roy de France. Et si lui avoient les bonnes villes du royaume, par espécial celle de Paris, fait trés grans biens et haus honneurs, lesquels il taisoit, et pour ce estoit-il prest de vivre et de mourir avecques eux. . . . Si fu alors esleu ledit roy en capitain de la ville de Paris; et lui fu dit, de par le prévost des marchands de Paris, que ceux de Paris escriproient à toutes les bonnes villes du royaume, afin que chascun se consentist à faire ledit roy capitain universal par tout le royaume de France. (Ibid, p. 116.)—Præpositus mercatorum, cum multis de majoribus civibus per quos tota civitas regi videbatur . . iverunt ad regem Navarræ dominum Carolum de Ebroicis,

years over which the name of the Prévôt Marcel predominates.* His short and stormy career was, as it were, a premature attempt at the grand designs of Providence, and the mirror of the bloody changes of fortune through which those designs were destined to advance to their accomplishment under the impulse of human passions. Marcel lived and died for an idea—that of hastening on, by the force of the masses, the work of gradual equalisation commenced by the kings themselves; but it was his misfortune and his crime to be unrelenting in carrying out his convictions. To the impetuosity of a tribune who did not shrink even from murder he added the talent of organization; he left in the grand city, which he had ruled with a stern and absolute sway, powerful institutions, noble works, and a name which two centuries afterwards his descendants bore with pride as a title of nobility.†

qui antea per eos tamquam capitaneus vocatus fuerat . . . ordinaverunt secrete ut iterum per ipsos vocaretur . . . et tandem, cum ipse rex Navarræ esset de linea et prosapia regia, ad sceptrum regale et regnum Franciæ ascenderet et regnaret Nam dictus rex Navarræ ad hoc totis viribus anhelabat. . . . (*Chron. de Guillaume de Nangis*, 2e continuat., t. ii., p. 268 and 269.)

* Etienne Marcel had, as an associate in his struggle with the Government and in his projects of reform, a member of the clergy, who, by his birth and studies, belonged to the *bourgeoisie*—Robert le Coq, Bishop of Laon, an able jurist, first an advocate, then *maître des requêtes*, and lastly *président clerc* of the Parliament.

† See *l'Histoire de l'Hôtel de Ville de Paris*, by M. Leroux.

While the *bourgeoisie*, formed under the influences of municipal liberty, raised itself by a sudden but transient enthusiasm to the spirit of national liberty, and in some measure anticipated the future, a strange and hideous spectacle was exhibited by the demi-servile population of the villages and hamlets. We mean the Jacquerie; its dreadful excesses, and its no less dreadful repression. In those days of crisis and agitation, the general vibration of society affected the peasantry, and encountered among them the passions of hatred and vengeance which had been accumulated and bayed back during centuries of oppression and misery. The cry of the French populace, "The nobles dishonour and betray the kingdom," became a signal for the extermination of those of gentle birth in the

de Lincy, liv. iii., ch. 1er, p. 58 à 60.—Si mit ouvriers en œuvre quant qu'il en put avoir et recouvrer de toutes parts, et fit faire grands fossés autour de Paris, et puis chainglos, murs et portes, et y ouvroit-on nuit et jour, et y eut le terme d'un an tous les jours trois mille ouvriers. Dont ce fut un grand fait que de fermer sur une année et d'enclorre et avironner de toute défense une telle cité comme Paris est et de tel circuit. Et vous de que ce fut le plus grand bien que oncques le prévôt des marchands fit en toute sa vie; car autrement elle eût été depuis courue, gâtée et robée par trop de fois. (*Chron. de Froissart*, liv. 1er, 2e partie, chap. 66.)—Dictes-nous que pas un des *Clercs*, de *Marle*, *Marcel* ne des *Bourciers* . . . souffre que le fils d'un Italien, d'un Anglois, d'un Lorrain ou Escouçois, se die aussi bon François que luy. (*Du grand et loyal devoir, fidélité et obéissance de messieurs de Paris envers le roy et couronne de France*, pamphlet contre le cardinal de Guise, petit in-8°, 1565, p. vii.)

cottages of Beauvoisis. Peasants armed with clubs and knives rose and marched in bands, increasing as they advanced, attacking the castles with sword and flame, murdering all they found in them—men, women, and children; and, like the barbarians of the great invasion, unable to give an account of the objects which they sought, or the motive which instigated them.* This savage force, master of all the flat country between the Oise and Seine, was organized under a leader, who offered his alliance to the cities which were agitated by the spirit of reform. Beauvais, Senlis, Amiens, Paris, and Meaux, accepted it, either as assistance, or as a diversion in their favour. In spite of the acts of barbarity committed by the rebel peasants, almost everywhere the urban population,

* Aucunes gens des villes champêtres, sans chef, s'assemblèrent en Beauvoisin, et ne furent mie cent hommes les premiers, et dirent que tous les nobles du royaume de France, chevaliers et écuyers, honnissoient et trahissoient le royaume, et que ce seroit grand bien qui tous les détruiroit. Et chacun d'eux dit: "Il dit voir! il dit voir! honni soit celui par qui il demeurera que tous les gentilshommes ne soient détruits!" Lors se assemblèrent et s'en allèrent sans autre conseil et sans nulles armures, fors que de bâtons ferrés et de couteaux. . . . Et multiplièrent tant que ils furent bien six mille; et partout là où ils venoient, leur nombre croissoit; car chacun de leur semblance les suivoit. (*Chron. de Froissart*, liv. 1er, 2e partie, chap. 62.)—Mais ils étoient jà tant multipliés que, si il fussent tous ensemble, ils eussent bien été cent mille hommes. Et quand on leur demandoit pourquoi ils faisoient ce, ils répondoient qu'ils ne savoient, mais ils le veoient aux autres faire, si le faisoient aussi. (Ibid, chap. 66.)

and principally the poor, sympathised with them.* Rich citizens, men of political character, were seen mixing with them, directing them, and restraining their thirst for blood, till the day when they disappeared, slain by thousands in their conflicts with the armed nobles, decimated by executions, or dispersed by terror.†

* Et firent un capitaine que on appeloit Guillaume Cale, et alèrent à Compiègne; mais ceux de la ville ne les y laissièrent entrer. Et depuis ils alèrent à Senlis, et firent tant que ceux de ladite ville alèrent en leur compaignie. Et abattirent toutes les forteresces du pays, Armenonville, Tiers, et une partie du chastel de Beaumont-sur-Oyse. (*Chron. de Saint-Denis*, t. vi., p. 110.)—Puis s'assemblèrent autres paisans en plusieurs lieux en Beauvaisis, et ailleurs en France; et mesmes ceux de Beauvais estoient contre les nobles hommes: et en mena-on plusieurs à Beauvais, qui y furent occis par le consentement du commun de la ville, et aussi le maire d'Amiens envoya cent hommes du commun à l'aide des vilains. (*La Chron. de Flandres*, publiée par D. Sauvage [Lyon, 1562], chap. 94, p. 196.)—Plusieurs qui estoient partis de la ville de Paris, jusques au nombre de trois cens ou environ, desquels gens estoit capitain un appelé Pierre Gille, espicier de Paris, et environ cinq cens qui s'estoient assemblés à Cilly en Mucieu, desquels estoit capitain un appelé Jehan Vaillant, prévost des monnoies du roy, alèrent à Meaux. . . . Et toutes voies, avoit lors pou de villes, cités ou autres en la langue d'Oyl qui ne fussent meues contre les gentilshommes, tant en faveur de ceux de Paris qui trop les haoient, comme pour le mouvement du peuple. (*Chron. de Saint-Denis*, t. vi., p. 113.)

† Et en ces assemblées avoit gens de labour le plus, et si y avoit de riches hommes, bourgois et autres. (Ibid, p. 112.)—En ce temps alèrent ceux de Paris à Ermenonville et assaillirent le chastel et le prirent par force. Là estoit Robert

The destruction of the *Jacques** was followed almost immediately by the failure of the revolution of the *bourgeoisie* in Paris itself. Those two movements, different as they were, of the two great classes of the commonalty, terminated simultaneously—one to revive and carry all before it when its time should come; the other to leave nothing behind it but an odious name, and sad recollections. The attempt of

de Lorcis, qui, pour peur de la mort renia gentillesse, et dit qu'il aimoit mieux la bourgeoisie de Paris (dont il estoit né) que chevalerie, et par ce fut il sauvé et sa femme et ses enfans. (*La Chron. de Flandres*, chap. 94, p. 197.)—Et aussi tuoient les gentilshommes tous ceux que il povoient trouver qui avoient esté de la compagnie des Jacques, c'est-à-dire, des communes qui avoient tué les gentilshommes, leur femmes et leur enfans et abattues maisons; et tant que on tenoit certainement que l'en en avoit bien tué dedans le jour de la S.-Jean Baptiste vint mil et plus. (*Chron. de Saint-Denis*, t. vi., p. 117.)—Depuis cette déconfiture qui fut faite à Meaux, ne se rassemblèrent ils nulle part; car le jeune sire de Coucy, qui s'appeloit messire Enguerrand, avoit grand foison de gentilshommes avec lui, qui les mettoient à fin partout où ils les trouvoient, sans pitié et sans merci. (*Chron. de Froissart*, liv. i., 2e partie, chap. 68.)

* The villagers in revolt applied to themselves the contemptuous *sobriquets* which the nobles gave to the people: "Tunc temporis nobiles, derisiones de rusticis et simplicibus facientes, vocabant eos *Jacque Bonhome*." (*Chron. de Guillaume de Nangis*, 2e continuat., t. ii., p. 238.)—Le duc de Normandie . . . s'en alla à Provins et . . . d'illec vers Chasteautierry et vers Gandelus, où l'en disoit qu'il y avoit grande assemblée de ces communes que l'en appeloit Jacques Bonhommes. (*Chron. de Saint-Denis*, t. vi., p. 117.)

Etienne Marcel and his party to found a democratic monarchy on the confederation of the cities in the north and centre of France failed, because Paris, feebly supported, was left alone to maintain a twofold struggle against all the forces of the crown joined to those of the nobles, as well as against the popular dejection.* The leader of that daring attempt was slain at the moment when he was pushing it to extremities, and setting up a king of the *bourgeoisie* in the face of the legitimate monarch. With him perished the persons who had represented the city in the council of the states, as well as those who had ruled as chiefs or ringleaders of the municipal council.† The *Tiers Etat*, displaced from the dominant

* The summons of the States-General to Paris on the 7th of November was issued conjointly by the Duke of Normandy, who despatched his letters under the seal of the regency, and by the Prévôt des Marchands, who despatched his own under the seal of the city: "Et envoia ces lettres aux gens d'églyse, aux nobles et aux bonnes villes, et les manda. Et aussi envoia ledit prévost des marchans ses lettres aux dessusdis, avec les lettres dudit monseigneur le duc." (*Chron. de Saint-Denis*, t. vi., p. 62.)

† The murder of Etienne Marcel, by Jean Maillart, took place on the 31st of July, 1358; his brother Gilles Marcel, *greffier* of the Hôtel de Ville, and Charles Toussac *échevin*, like him deputy of Paris and member of the council of the States, were slain; the one assassinated on the 31st of July, and the other beheaded on the 2nd of August. Simon le Paonnier, Philippe Giffart, and Jean de l'Isle, members of the municipal council, were slain; the two first with the *prévôt*, and the third with his brother. Five other *bourgeois*, counsel-

position which it had prematurely won, resumed its ordinary part of patient industry, less pretentious ambition, and slow but uninterrupted progress.

Nevertheless, all was not lost in that first and unfortunate trial. The Prince, who struggled two years against the Parisian *bourgeoisie*, borrowed something of its political tendencies, and learnt a lesson in the school of those whom he had conquered. He annulled what the States-General had decreed, and constrained him to do for the reform of abuses; but the violence of that reaction lasted but a few days, and Charles V., as King, undertook of his own accord a part of the task which, as Regent, he had been forced to execute. His government was arbitrary but regular, economical, imbued with the spirit of order, and, above all, with the spirit of nationality. Trained early to patience and statecraft in a position of peril and difficulty, he had none of the eager and chivalrous im-

lors or officers of the city, were condemned to death, and executed the following week. Nicolas le Chaucoteur and Colart de Courliègis, deputies of Abbeville and Laon in the States-General, and members of the council of the states, met with the same fate.—Plures capti sunt et quæstionibus appositi, et infra certum diem ad forum tracti fuerunt et judicialiter decollati. Et isti fuerunt illi qui cum prædicto præposito villam antea gubernabant et de quorum consilio in omnibus agebatur; inter quos fuerunt aliqui burgenses multum solemnes et eloquentes quampluriumum et edocti. (*Chron. de Guill. de Nangis*, 2e continuat., t. ii., p. 273.)

petuosity of his predecessors, but a calculating and practical mind. In him royalty presents a new character, which separates it from the Middle Ages and connects it with modern times. He was the first of those kings who appeared as the redressers of wrong after a period of danger, devoted to business, placing consideration before action, able and persevering—princes eminently politic, whose type re-appeared more strikingly under different aspects in Louis XI. and Henry IV.*

We have reached a point where our social history, disengaged from its origin and complete in its elements, unfolds itself in a simple and regular form, like a river which, rising from many sources, collects its waters as it advances into one single mass, contained within the same banks. At this point the powers, whose action, simultaneous or divergent, has constituted up to our times the drama of political revolutions, display themselves in their definitive character. Royalty is seen advancing uninterruptedly along the way, pointed out by the traditions of imperial Rome, favouring the spirit of civilisation, but opposed to the spirit of liberty, innovating with reluctance, and with the jealous anxiety of superintending everything itself; the nobility preserving and cherishing their inheritance of German usages softened down by Christianity, opposing to the dogma of an

* See below, Chapters III. and VI.

absolute monarchy that of a seigneurial sovereignty, fostered by a feeling of pride and honour, prescribing to itself the duty of courage, and believing that political rights belonged to itself alone—egotistical in its independence, and haughty in its self-sacrifices—at once turbulent and without occupation, despising labour, little inquisitive about science, but contributing to the general progress by its appreciation, continually increasing in keenness, of the refinements of luxury, of the elegance and the delights of the arts;* lastly, the *bourgeoisie*—*i. e.*, the middle class of the nation, and upper class of the *Tiers Etat*—continually increased in numbers by the accession of the inferior classes, and continually approaching the nobility by the exercise of public duties, and the value

* The principles of German law in civil matters continued a long time, together with German manners, in the families of nobles; the baronage was imbued with traditions of the conquest. See the *Recherches* of M. Edouard Laboulaye on the civil and political condition of women from the days of the Romans to our own.—Anno igitur MCCCLVI. fastus et dissolutio in multis personis nobilibus et militaribus quamplurimum inolevit. Nam cum habitus antea decurtatos, ut supra dixi, et breves nimis accepissent, hoc anno tamen adhuc magis se incœperunt sumptuose deformare, perlas et margaritas in capuciis et zonis deauratis et argenteis deportare, gemmis diversis et lapidibus preciosis se per totum curiosius adornare; et in tantum se curiose omnes, a magno usque ad parvum, de talibus lasciviis cooperiebant, quod perlæ et lapides magno pretio vendebantur et vix Parisiis poterant reperiri. . . . Incœperunt etiam tunc gestare plumas avium in pileis adaptatas. (*Chron. de Guill. de Nangis*, 2e continuat, t. ii., p. 287.)

of their real property; attached to royalty as the source of reforms and social changes, ready to seize all the means of raising itself, all the offices, advantages of every kind, whether collectively or individually; devoted to the cultivation of the intellect in its vigorous and important applications; resigned habitually to await with patience a better state of things, but capable at intervals of a desire for immediate action, and of a revolutionary outbreak.

Such is the state of society; with regard to its institutions, royalty, in its unlimited prerogative, regains and embraces them all, except one only, the States-General, whose power, ill-defined, a shadow of the national sovereignty, makes its appearance at seasons of crisis, to condemn present evil and to pave the way to future good. From 1355 to 1789, the States, although rarely assembled, although without regular influence on the government, played a considerable part as an organ of public opinion. The *cahiers** of the three orders were the source from which the great ordinances and the great measures of administration flowed; and in this general influence of the States the third bore its special part. The commonalty had its principles, which it never lost an

* The manner in which the *cahier*—a statement of grievances and petition for reforms—was prepared for the *Tiers Etat*, is described in the second paragraph from the end of chap. vi.; and a specimen of one, as prepared by the village of Blaigny, is given in appendix iii. at the end of vol. ii.—*Translator's Note.*

opportunity of proclaiming with an indefatigable perseverance—principles which had their origin in the good sense of the people, in conformity with the spirit of the Gospel and the spirit of the Roman law. The reformation of the laws and customs by the infusion of civil liberty and equality, the overthrow of all the barriers raised by privilege, the extension of the common law to all classes—such was the perpetual plea, and, if we may use the expression, the voice of the *Tiers Etat*. We can follow this voice speaking more loudly from age to age in proportion as time advances and progress is accomplished. It is this which during five centuries has stirred the great currents of opinion. The initiative which the *Tiers Etat* took in conceiving and projecting reforms is the fact, which is most intimately connected with the social movement, of which we have lived to see, if not the final close, at least a glorious and decisive phase—a movement continued under remarkable vicissitudes, whose progress resembles that of the rising tide, which seems to advance and recede without interruption, but which still gains ground and reaches its destined point.

# CHAPTER III.

## THE TIERS ETAT UNDER CHARLES V., CHARLES VI., CHARLES VII., AND LOUIS XI.

Summary: Northern and Southern France—Twofold Spirit and Tendency of the *Tiers Etat*—Part Taken by the Parisian *Bourgeoisie*—Results of the Reign of Charles V.—Question of Regular Taxation—Revolt of the *Maillotins*—Abolition of the free Municipality of Paris—Its Re-establishment—Demagoguism of the *Cabochiens*—Alliance of the *Echevinage* and the University—Demand for a great Administrative Reform—Ordinance of May 25, 1413—State of the Peasantry, the Rural Communes—Popular Patriotism—Jeanne d'Arc—Reign of Charles VII.—His *Bourgeois* Counsellors—Reign of Louis XI.—His Character.

The States-General on which I have been remarking up to this point did not form the whole representation of the kingdom; there was one for north and central France, the country of the *langue d'Oïl* and the *droit coutumier*, and one for south France, the country of the *langue d'Oc* and the *droit écrit*.* Although

* This division of the country into two administrative regions continued up to the sixteenth century; their common boundary was drawn from west to east by the Gironde, Dor-

they were simultaneously convened by the same authority, and were in both cases general, these assemblies did not play the same political part, and history cannot assign them a place of equal importance. The north and south of France were not in the same social position during the Middle Ages; the south was more advanced in civilisation, more flourishing, and under a less arbitrary system of government. There the impress of Rome was more distinctly retained both in the language and manners of the people; there the municipal spirit, maintained by the number and wealth of the cities, preserved both its power and character more efficiently. The administrative reforms, the work of royalty, took place in the north, and only reached the south by a reaction. It was the same with the currents of public opinion which sprang in northern France (*la France coutumière*) from the conflict between the rival or hostile classes and the great bodies of the State. There was always on one side or the other a sort of discordance in their feelings and their actions; and the trace of this is still to be observed even in the midst of our modern unity. Thence arises the necessity of contracting the scene of this

dogne and the southern frontiers of Auvergne and of the Lyonnais. Although this division corresponded in general with that of the Roman dialects of the north and south, and with that of ancient France into two juridicial zones, there was under each of these relations at least one exception; for Auvergne was a country of the southern language, and the Lyonnais a country of the *droit écrit*.

history, which ought to be both uniform and simple in order to be clear, of omitting some facts important in themselves, but which have no ulterior consequence, and of passing over the country where a greater degree of liberty reigns, together with a law of greater equity, and a less marked inequality of conditions and individuals, to dwell on that in which the social confusion is excessive, but in which the foundations of future order are laid, and the facts which mark the succession of our civil and political progress occur.

The *Tiers Etat* drew its strength and spirit from two different sources, the one complex and municipal—namely, the commercial classes; the other simple and central—namely, the class of the judicial and financial officers of the crown, whose number and power rapidly increased, and who, with rare exceptions, all sprang from the commonalty. To this twofold origin corresponded two classes of political ideas and sentiments. The spirit of the *bourgeoisie*, properly so called, or urban corporations, was liberal in principle, but narrow and stationary in practice, attached to its local immunities, to its hereditary rights, to the independent and privileged existence of the municipal cities and communes. The spirit of the judicial and administrative bodies admitted only one right, that of the Government; only one liberty, that of the Prince; only one interest, that of order under one absolute guardianship; and their reasoning did not regard the privileges of the

commonalty with more favour than those of the nobility. Thence arose in the *Tiers Etat* of France two divergent tendencies, always at war, but always corresponding to the same final object, which, alternately modifying each other, and combining under the influence of new ideas of a loftier and more generous kind, have given to our revolutions since the thirteenth century their character of a slow but always certain course towards civic equality, national unity, and unity of government. Another fact in our history as ancient and not less characteristic is the particular part taken by the *bourgeoisie* of Paris. Paris was the chief centre of commerce and important scientific institutions; it was there that intellectual activity displayed itself on a larger scale than in any other city of the kingdom. Public spirit there assumed a form at once municipal and general. We have seen the people of Paris taking the lead in aggressive opinion during the democratic attempts of 1357; we shall find it doing the same at every period of social crisis, under Charles VI., at the time of the League, and in our modern revolutions, giving the impulse at once to progress and disorder so fatally mixed together.

I resume the thread of my narrative at the reign of Charles V. That prince recovered one by one the dismembered portions of the kingdom; he rendered France more powerful abroad, and more civilised at home; he expended much in the accomplishment of great undertakings, and still found the means of

raising larger supplies of money than his predecessors, without having recourse to the States-General or exciting resistance: all remained quiet so long as his hand was there to conciliate and regulate everything. He established under the name of ordinary aids permanent taxes, thus violating at one blow both the feudal and the municipal liberties. He did this with decision, but not, there is reason to believe, without scruples; and on his death-bed he regarded it with regret.* It was in reality a grave and deplorable fact: Royalty found itself for the first time in opposition to the *bourgeoisie;* the new monarchical order was divided against itself by the imposition of regular taxation—a vital question which it was necessary to solve, and which, on the accession of Charles VI., a minor, could not be done in one way or another.

The sensation produced by the report of the repentant expressions attributed to the late King did not permit the further collection of the general subsidies by authority, nor indeed a hope of their concession by the assembly of the three orders. The guardians of the young King attempted, as

* De ces aides du royaume de France dont les povres gens sont tant travaillés et grevés, usez-en en vostre conscience et les ôtez au plus tôt que vous pourrez; car ce sont choses, quoique je les aie soutenues, qui moult me grèvent et poisent en couraige. (Words of Charles V., on his death-bed, *Chron. de Froissart*, liv. ii, chap. lxx.)

a middle course, convocations of the *notables* and conferences with the *échevinage* of Paris; but no result was obtained save an increase of popular excitement and threats of an *émeute*, on occasion of which the *échevinage* took some important measures of arming for the maintenance of public order and the defence of the liberties of the city.* This attitude of the Parisian *bourgeoisie* seemed so formidable a circumstance to the princes in power that they made an ordinance abolishing in perpetuity the taxes which had been established, under any denomination whatever, since the time of Philippe le Bel.† It then

* Cependant les princes et ducs cognoissans la pauvreté du domaine et qu'il ne pouvoit suffire aux choses urgentes et nécessaires, assemblèrent une partie des plus notables de Paris; et furent assez contents qu'on mist douze deniers pour livre. Et fut à Paris et à Rouen crié et à Amiens; mais le peuple tout d'une volonté le contredirent, et ne fut rien levé ne exigé. (*Hist. de Charles VI.*, by Juvénal des Ursins, *nouvelle collection de Mémoires pour servir à l'Histoire de France*, t. ii., p. 343)—Lesquelles démonstrances ils prenoient en grande impatience, et réputoient tous ceux qui en parloient ennemis de la chose publique, en concluant qu'ils garderoient les libertez du peuple jusques à l'exposition de leurs biens, et prindrent armures et habillemens de guerre, firent dixeniers, cinquanteniers, quarteniers, mirent chaisnes par la ville, firent faire guet et garde aux portes. Et ces choses se faisoient presque par toutes les villes de ce royaume, et à ce faire commencèrent ceux de Paris. (Ibid, p. 348.)

† Avons quictié, remis et annullé, et par ces présentes quictons, remettons et annullons et mettons du tout au néant touz aides et subsides quelxconques qui, pour le fait desdictes guerres, ont esté imposez, cuilliz et levez depuis nostre prédé-

became necessary for them to carry on the government with the revenues of the royal domains alone; and shortly after being at a loss for resources, they timidly decided upon imposing a tax upon merchandise of every kind. This was the signal for an armed rebellion. The lower classes and the youth of Paris, forcing the arsenal of the city, provided themselves with sledge-hammers, which they found there in great quantity, and rushed upon the farmers of the tax, the collectors and royal officers, massacring the one, and forcing the other to flight. The example of Paris was imitated with more or less violence in the principal cities of the central and northern provinces.*

This spirit of resistance on the part of the French *bourgeoisie* was encouraged by some external occurrences, by the example of Ghent, which city, at the head of a party formed in the communes of Flanders,

cesseur le roy Philippe, que Dieu absoille, jusques aujourd'hui. (Ordin. of 16 Nov., 1380, *Recueil des Ordonn. des rois de France*, t. vi., p. 527.)

* . . . Et tantost par toute la ville le menu peuple s'esmeut. . . . Ils sceurent que en l'Hostel de Ville avoit des harnois, ils y allèrent et rompirent les huis où estoient les choses pour la défense de la ville, prindrent les harnois et grande foison de maillets de plomb et s'en allèrent par la ville, et tous ceux qu'ils trouvoient fermiers des aydes ou qui en estoient soupçonnez tuoient et mettoient à mort bien cruellement. (*Hist. de Charles VI.*, by Juvénal des Ursins, *Mémoires*, etc., t. ii., p. 348.)—Famosiorem civitatem regni sequntur cetere. . . . (*Chron. du religieux de St.-Denis*, edit. by M. Bellaguet, t. i., p. 130.)

was in armed opposition against the sovereign of the country in the name of the municipal liberties. There existed between the *bourgeoisie* of Paris and the Flemish insurgents not only sympathy, but correspondence by letters, with a promise of mutual efforts in behalf of a common cause, in which were comprised the defence of local privileges against the central power, and the hostility of the commonalty against the nobility.* This position of the question re-united in one common interest royalty and the barons, little disposed as they were to come to an understanding upon the raising of taxes without a previous demand and concession. A great blow was struck in Flanders by the intervention of a French army and of Charles VI. in person. That victorious campaign, which had the appearance and the effect of a triumph on the part of the nobility over the com-

* Sic temerarium ausum malignandi . . . fere totus populus Francie assumpserat, nec minori agitabatur furia, et, ut fama publica referebat, per Flamingos, qui peste similis rebellionis laborabant, nunciis et apicibus excitatus. . . . (*Chron. du religieux de St.-Denis*, t. i., p. 132.)—Et en ladite ville (Courtray) furent trouvées lettres que ceux de la ville de Paris avoient escrit aux Flamens très mauvaises et séditieuses. (*Hist. de Charles VI.*, by Juvénal des Ursins, *Mémoires*, etc., t. ii., p. 356.)—Pareillement à Reims, à Châlons en Champagne et sur la rivière de Marne, les vilains se rébelloient et menaçoient jà les gentilshommes et dames et enfants . . . aussi bien à Orléans, à Blois, à Rouen, en Normandie et en Beauvoisis leur étoit le diable entré en la tête pour tout occire. (*Chron. de Froissart*, liv. ii., ch. clxxxviii.)

monalty, became in turn the cause of a succession of violent measures against the cities guilty of rebellion, in which the vengeance of power was mixed with an aristocratic reaction.

The royal army entered Paris as a conquered city, breaking down the barriers, and passing over the gates torn from their hinges. The same day three hundred persons, the *élite* of the *bourgeoisie*, were arrested and cast into prison; and on the morrow the immemorial liberties of the city, its *échevinage*, its jurisdiction, and its militia, the independent existence of its corporations of arts and trades, were abolished by an ordinance of the King.* There were numerous executions, and, among others, that of a rich merchant who, as a young man, had played a prominent part in the *émeutes* of 1358; an act of clemency followed for the rest of the prisoners, commuting the criminal into a civil punishment, which subjected the upper class of the Parisian *bourgeoisie* to fines which almost amounted to the confiscation of their property. Rouen, Amiens, Troyes, Orléans, Reims, Châlons, and Sens were punished in the same manner by the suppression of their municipal rights, by executions, proscriptions, and ruinous exactions. The money thus raised amounted to immense sums; but the princes and the courtiers helped themselves so freely

* *Chron. du religieux de Saint-Denis*, t. 1er, p. 230 and foll. --Ordinance. of 27 January, 1383 (1382, old style), *Recueil des Ordonn. des rois de France*, t. vi., p. 685.

to the spoil that not a third part found its way into the royal treasury.*

Twenty-nine years elapsed, during which the imbecility of the King, the quarrels of the princes, the civil war, and, soon after, the foreign invasion, were added to the confusion of a Government without order, and to ruin of every kind. The reaction of 1383 had wounded the *bourgeoisie* far more deeply than that of 1359. The last mentioned had merely struck a blow at their political ambition; the other had impoverished, dispersed, deprived it of its glory and hereditary influence. The city of Paris, among others, found itself depressed in two ways—by the loss of its municipal immunities, and by the ruin of the families who had governed and directed it with their counsels in the times of its liberty. This degradation of the upper class, composed of the high mercantile body and the lawyers of the supreme courts, had given a step to the intermediate class, consisting of the wealthier among those who exercised manual professions—a class less enlightened and less refined in manners, to which the force of circumstances now gave the influential power over the affairs and feelings of the city. Thence sprung that character of unrestrained demagoguism which the Parisian population exhibited when, having recovered its liberties and its

* *Chron. du religieux de Saint-Denis*, t. 1er, p. 240 and foll.—*Chron. de Froissart*, liv. ii., ch. ccv.—*Hist. de Charles* VI., by Juvénal des Ursins, *Mémoires, etc.*, t. ii., p. 357 and foll.

privileges in the year 1412, it was summoned afresh by the course of events to act a political part.*

The Duke of Burgundy, one of the princes who were striving by force of arms to obtain the guardianship and power of the imbecile King, had allied himself, in order to increase his forces, with the *bourgeoisie* and declared himself the protector of the popular interests. This policy was successful; he became master of the State, and the re-establishment of the old free constitution of Paris was his work. Restored after a suspension of more than a quarter of a century, the municipal elections returned an *échevinage* and a city council almost entirely formed of tradesmen, in which, from their popularity joined to their wealth, the master butchers of the great market, and of that of St. Geneviève, gained the ascendancy. These men, whose profession had been handed down from father to son from time immemorial, and whose shambles were a sort of fiefs, had collected around them an hereditary set of dependents called flayers,

* Libere urbis antiquam libertatem restituentes. . . . (*Chron du religieux de Saint-Denis*, t. iv., p. 606.)—L'empeschement et main mise . . . par nous mis es dicte prévosté des marchans, eschevinage, clergie, maison de la ville, parlouër aux bourgois, jurisdicion, cohercion, priviléges, rentes, revenues, et droiz appartenans d'ancienneté à ycelle prévosté des marchans, eschevinage et clergie de nostre dicte bonne ville de Paris, avons levé et osté, levons et ostons à plain, de nostre certaine science et propre mouvement. (Ordinance of Charles VI., January 20, 1412 [1411, old style], *Recueil des Ordonn.*, t. ix., p. 668.)

*écorcheurs*—a degraded and violent body, entirely devoted to its patrons, and formidable to everyone who did not happen to belong to their party in the new Government. This Government possessed the affection of the common people, and became an object of alarm to the commercial class of the *bourgeoisie* and to all that still remained of families distinguished by an ancient respectability. It united the violence of the demagogues to the passions of the party which was called the Burgundian; and the authority, supporting itself by *émeutes*, soon passed from the city council to the multitude, from the master butchers to the *écorcheurs*. One among them, Simon Caboche, was the man of action of that second period of revolution to which his name remains attached, and in which the spirit of reform shown in 1357 re-appeared a moment to be immediately compromised by the brutal and degraded actions of the faction on which it relied.*

We are here struck by a circumstance which is not

* Et pour vrai, il faisoit en ce temps (1411—1412) très périlleux en icelle ville pour nobles hommes de quelque partie qu'ils fussent, parce que le peuple et commun dessusdit avoient grand' partie de la domination dedans icelle. (*Chron. d'Enguerrand de Monstrelet*, édit. Buchon, Panthéon littéraire, p. 202.) —A la fin d'Avril et au commencement de May (1413), se mirent sus plus fort que devant meschantes gens, trippiers, bouchers, et escorcheurs, pelletiers, cousturiers et autres pauvres gens de bas estat, qui faisoient de très inhumaines détestables et déshonnestes besongnes. (*Hist. de Charles VI.*,

without example in our recent revolutions—a political alliance between the literary class, the men of speculative minds, and that portion of the *Tiers Etat* which was at once ignorant and influenced by brutal passions. In the municipality of Paris, in 1413, Jean de Troyes, a celebrated physician, a man of eloquence and learning, sat side by side with the butchers Saint-Yon and Legoix in perfect agreement of opinions.* Soon after the learned body *par excellence*, the university, assumed authority by means of an assembly of notables, needlessly convoked, to raise its voice, to make remonstrances, and to demand in its own name and in that of the corporation of the

by Juvénal des Ursins, *Mémoires*, etc., t. ii., p. 481.)—Et estoit pitie de voir et sçavoir ce que faisoient lesdictes meschantes gens, lesquels on nommoit Cabochiens à cause d'un escorcheur de bestes, nommé Caboche, qui estoit l'un des principaux capitaines desdites meschantes gens. (Ibid.)—Ils alloient par Paris par tourbes et délaissoient leurs mestiers. Et ainsi, puisqu'ils ne gagnoient rien, il falloit qu'ils pillassent et desrobassent, et aussi le faisoient de leur auctorité pure et privée. (Ibid, p. 482.)—On prenoit gens ausquels on imposoit avoir fait quelque chose dont il n'estoit rien, et falloit qu'ils composassent fust droit fust tort à argent qu'il falloit qu'ils baillassent. (Ibid, p. 483.)—Et s'ils ne prestoient promptement, on les envoyoit en diverses prisons, et mettoit-on sergens en leurs maisons, jusques à ce qu'ils eussent payé ce qu'on leur demandoit (Ibid, p. 484.)

* Et precipue quidam medicus famosus, vocatus Joannes de Trecis, vir eloquens et astutus . . . cujus consilio usi semper fuerant in agendis. (*Chron. du religieux de Saint-Denis*, t. v., p. 8.)

city the redress of abuses, and reform of the kingdom. With the notion, as far as appears, of associating all the powers of the *Tiers Etat* in behalf of that great attempt, it invited the Parliament to unite with itself and the citizens of Paris, in order to obtain justice and reform. The Parliament refused—the hour of ambition had not yet come for that body; and, besides, it did not choose to commit itself with theorists who were without experience of affairs, and with democrats of the crossways. "It is not becoming," it replied, "for a court, established for the administration of justice in the king's name, to make itself a complaining party to demand it. . . . The university and the corporation of the city will take good care to do nothing which it ought not."* The *échevinage*, however, and the university did not recede; the latter demanded that a day should be appointed when the princes and the King himself might hear its remonstrances, and, in the midst of a numerous concourse of the burgesses of Paris and the provinces, it spoke by the mouth of its professors in the name of the people—denounced their wrongs, and proposed the remedies, as though it had been constituted a political power, and the grand council of the nation.†

* Registers of the Parliament, cited by M. de Barante, *Hist. des ducs de Bourgogne*, 5e édit., t. iii., p. 299.

† Rex ex deambulatorio ambiente curiam sancti Pauli . . . cum aula regia tante capacitatis non esset quod posset accedentibus locum dare, venerandam Universitatem et cives parisien-

The court was divided, and the King incapable of understanding or deciding anything; the Prince, who then governed in his name, thought that he should manage the people to his own purposes, and was in reality managed by them. Their demand was granted; and the two bodies which comported themselves as if they were the representatives of the public opinion, the university and the city, were authorised to present a plan of administrative and judicial reform. Commissioners, whose names are unknown, set themselves to the work, and obtained permission to have all the ancient ordinances preserved in the archives delivered to them for examination.* They made them the foundation of their work of purification and re-

ses audire statuit et quid in supradictis sentirent. Id perorandum susceperat in sacra pagina professor eximius, magister Benedictus Gencien. (*Chron. du religieux de Saint-Denis*, t. iv., p. 738.)—Ab octo et viginti annis et citra opes regie per dispensatores prodigos fuerunt magis consumpte quam in aliquo alio regno mundi, et hoc, judicio Universitatis et burgensium parisiensium. (Ibid, p. 750.)—Finem oblati rotuli lector tangens: "Regie, inquit, altitudini humilis vestra parisiensis filia Universitatis et en cunctis obedientes vestri cives . . . ., predictos vobis exposuerunt excessus quos et alias lacius declarabunt." (Ibid, p. 766.)—Quidquid lectura rotuli continebat, cum innumerabili plebe cives provinciarum regni, qui tunc presentes aderant, gratum habuerunt. (Ibid, p. 768.)

* Gratam provisionem habuerunt Universitas et burgenses et obtinuerunt adduce ut statuerentur qui, ad utilitatem regni, excessus quos protulerant reformarent. (*Chron. du religieux de Saint-Denis*, t. v., p. 4.)—Ceux du conseil des dessusdits firent chercher et quérir ès chambres des comptes et du trésor et au

organisation; but while they were engaged in this labour, a warm opposition was announced on the part of those who surrounded the Queen and the heir to the throne. A plot was hatched against the security of the city, and the popular indignation was excited to the highest degree. There was a tumultuous rising in arms; and the bastille of Saint-Antoine, that citadel of royalty in Paris, commenced by Charles V., and razed to the ground under Louis XVI., was besieged by the people as on the 14th of July, 1789.*

The *émeute* was suspended by a capitulation; but some fresh symptoms of hostile intentions on the part of the court soon led to renewed insurrections of the *Cabochien* party. Formidable mobs, whose leaders and orators were Jean de Troyes the physician, and Eustache de Pavilly, doctor in theology, at one time invaded the King's palace, at another the Hôtel of the Dauphin, and followed up their political harangues by acts of personal violence, and arrests of nobles and even of ladies who were odious to the people. At length, on the 25th of May, 1413, the resolutions of the new reformers, reduced, like those of the States

Chastellet toutes les ordonnances royaux anciennes. (*Hist. de Charles VI.*, by Juvénal des Ursins, *Mémoires*, etc., t. ii., p. 483.)

* Castrum fortissimum Sancti Antonii . . . locum illum regium fere inexpugnabilem, omni genere armorum et instrumentis obsidionalibus munitum. (*Chron. du religieux de Saint-Denis*, t. v., p. 8 and foll.)

in 1356, to the form of a royal ordinance, were read before the King on his throne in Parliament, and declared obligatory and inviolable.*

This ordinance, which contains no less than two hundred and fifty-eight articles, is a complete code of administration, establishing a hierarchy of elective functionaries, laying down rules for conduct of affairs and responsibility, limiting the offices both in number and power, and promising to subjects of all classes guarantees against injustice, oppression, and the abuse both of power and law. There are contained in it a vast enumeration of prescriptions of every kind, in which two ideas seem to prevail—the centralisation of the judicial and that of the financial government; all terminates, on the one part, in the Chamber of Accounts, and, on the other, in the Parliament. Election is the principle of the officers of judicature—no appointment is allowed to be purchased; the lieutenants of the *prévôts*, the *baillis*, and the *sénéchaux* are to be elected by the lawyers and advocates of the district. In the nomination of a *prévôt*, men of experience and other notables are to name three candidates, one of whom is to be elected by the chancellor, assisted by commissioners of the Parliament. In the case of the *prévôté* of Paris and the other superior

* *Recueil des Ordonnances des rois de France*, t. x., p. 70 and foll.—Quasdam pro ordinacionibus regiis condiderant scripuras. (Ibid, t. x., p. 170.)—*Chron. du religieux de Saint-Denis*, t. v., p. 50 and foll.

offices, the Parliament is appointed to name persons to fill them by ballot without the formality of a canvass; and to choose in the same manner its own members, but is not allowed to take many from the same family. The *prévôts*, *baillis*, and *sénéchaux* must not be natives of the province in which they are to exercise their office; they are not allowed to acquire property in it, nor to contract marriages in it themselves or for their daughters. The jurisdiction of forests and waters, frequently attended with tyranny to the rural districts, is curtailed in its extent, and subjected to an appeal to Parliament. It is enacted that the rural usages be everywhere respected; that the peasants may arm themselves to pursue robbers; that they have the right of hunting wolves, of destroying the new warrens made by the seigneurs, and of refusing to pay them any duty established without authority.*

The peculiar character of this important ordinance,

* Ordin. of Charles VI. of 25 May, 1413, art. 202, 174, 190, 166, 154, 179, 229 to 234, 235, 236, 238, 241, 244, *Recueil des Ordonn.*, t. x., p. 70 and foll.—The ordinance is divided into ten general chapters, which successively treat of territory, money, aids, paymasters of the army, the exchequer, parliament, justice, chancery, waters and forests, and, lastly, the soldiery. In the preamble are the following words:—"Savoir faisons que nous . . . afin que doresenavant les dicts abus et inconvéniens cessent de tout en tout, et que tous les fais de la chose publique de nostre dit royaume, tant au regard de toutes nozdictes finances et de nostredicte justice comme autrement, soient remis en bon estat et deuement gouvernez au bien de nous et de nostredict peuple. . . ."

which distinguishes it from that of the 3rd of March, 1357, is that it makes no innovation except the election to the judicial offices; it leaves intact the royal power, and confines itself to trace out certain administrative regulations. The experience of the preceding century had borne its fruits; the temper of the Parisian *bourgeoisie*, in spite of its new fit of revolutionary passion, was in reality more settled down and moderated. Under that anarchical domination of the municipality, itself domineered over by a faction of brutal and violent persons, sober thoughts of the common weal, till then suppressed, now found their way through the midst of the disorder, and were, perhaps, produced by it. According to a remark applicable to other periods of revolution, "The violent have demanded and dictated, the moderate have written."*

The very persons who presided over these excesses, or who abetted them by their assent, were not destitute of civic virtues; their hearts were capable of sentiments of patriotism which, from their expression, we should be led to believe modern. The municipal corporation of Paris, writing to other cities, and giving them an account of its proceedings, said, "The present object is to take care that the state of public affairs in this kingdom be not overturned and destroyed while it is on the road . . . for which purpose, in a

* *Histoire de France*, by M. Michelet, t. iv., p 245.

time of necessity like the present, everyone ought to interest himself, and to set pity for his country above every other feeling, whether for parents, brothers, or any others, for this comprises all."* These were noble words, worthy of announcing the grand charter of reform, the common work of the civic corporation and the university. But while men could be found capable of conceiving this administrative law of ancient France, there were none to execute and maintain it. Persons of mature wisdom and versed in public matters had at that time neither will nor political energy. They held themselves aloof, and the work remained in the hands of the visionary and turbulent—of the butchers and their allies. By intolerable excesses these persons hastened on a reaction which led to their fall, their banishment, and the abandonment of the reforms which had been obtained with so much labour: three months after its promulgation the ordinance of the 25th of May was annulled.†

* Lettre des prévost des marchands, eschevins, bourgeois, manans, et habitans de la ville de Paris aux maires, eschevins, bourgeois, manans, et habitans de la ville de Noyon (3 Mai, 1413). *Archives de l'Hôtel de ville de Noyon.*—In all probability this was a circular letter.

† *Histoire de Charles VI.*, by Juvénal des Ursins, *Mémoires*, etc., t. ii., p. 85 and following.—Et aussi cassa, annula, abolit, révoqua et du tout meit à néant et comme nulles déclara certaines escritures qui par manière d'ordonnances avoient naguères esté faictes par aucuns commissaires, tant chevaliers

In this way some of the *Tiers Etat*, encouraged by a revolutionary crisis to invest themselves with a constituent power, entertained at the commencement of the fifteenth century the idea of remoulding at one cast the administration of the kingdom, and to give it fixed principles, a reasonable foundation, and uniform action. If the plan which they drew up was never tried, it has yet remained as a monument of political wisdom, in which appears in a striking manner the kind of lasting bond which tied together all the classes of the commonalty in one and the same cause. The commissioners delegated by the city and university of Paris did that which the deputies of the entire body of the *bourgeoisie* had done in the States-General; they devoted their attention to the population of the rural districts, they took measures in its behalf which show at once their sympathy for it, and the improvement which had taken place in its condition since the end of the twelfth century.

Since that period, indeed, the collective enfranchisement of the peasantry by whole villages and seigniories had continually increased in frequency and extent.

qu'escuiers, confesseurs et aumosnier du roy et deux des conseillers de céans, au pourchas d'aucuns de l'Université et de la ville de Paris, et lesquelles, par grande impression tant de gens d'armes de cette ville qu'autrement, avoient esté publiées en Mai dernier. (Extract from the registers of the Parliament, *Recueil des Ordonn. des rois de France*, t. x., p. 140, note.)—Ordinance of the 5th September, 1413; ibid., p. 170.

A kind of rivalry on this point was manifested between the proprietors of serfs, of which the motive was twofold: on the one hand, the sense of natural right joined to Christian feeling, on the other, a more enlightened knowledge of personal interest advised the same course; and the style of the documents sometimes presented the strange union of these two motives of action.* Among the villages enfranchised by multitudes during the thirteenth and

* Je, considérans et regardans être piteuse chose et convenable de ramener en liberté et franchise les hommes et femmes qui de leur première créacion furent créez et formez francs par le créator dou monde; considérans aussin en ceste partie le proffit évident de moy et de mes hoirs. . . . (Charter given to the inhabitants of the village of Perrusses by Guy, sire de Clermont, 1383, *Recueil des Ordonn. des rois de France*, t. vii., p. 32.)—Lesquelles personnes, en alant demourer hors de nostre dicte terre en certains lieux, se affranchissent sans notre congié . . . et pour hayne d'icelle servitude, plusieurs personnes délaissent à demourer en nostre dicte terre, et par ce est et demeure icelle terre en grand partie non cultivée, non labourée et en rien, pourquoy nostre dicte terre est grandement mains valable. . . . (Charter given to the inhabitants of Coucy by Enguerrand, sire de Coucy, 1368, *Recueil des Ordonn. des rois de France*, t. v., p. 154.)—Considérans . . . les courtoisies, bontés et aggréables services que li dit habitan et leur ancesseur ont fait, ou temps passé, à nous et à nos prédécesseurs, pour l'amendement dudit territoire, et en récompensacion des choses dessus dictes, pour le remède des âmes de nous et de nos ancesseurs, et pour la somme de . . . que nous avons eue et reçue des habitans de nostre dicte justice de Joigny. . . . (Charter given to the inhabitants of Joigny by Jehans, comte de Joigny, 1324; ibid, p. 379.)

fourteenth centuries, many took new names expressive of their state of civil liberty, and all or almost all of them obtained a form of municipal government in greater or less completeness. That government, in its application to the rural districts, propagated among them the name of *commune,* which served to distinguish it in the cities of the centre and the north of France; and from this circumstance arose that tendency to a change in the meaning of the word which made it lose its first sense, which was so restricted and forcible.* However large had been the multiplication of the rural communes during the thirteenth nd fourteenth centuries, it did not introduce among the agricultural classes that unity of civil government which the *bourgeoisie* enjoyed from one end of the kingdom to the other; the condition of the peasants, the result of transactions of every kind on the rights of property or person, remained unequal according to localities, and was infinitely diversified.

Yet, however, this mass of enfranchised serfs, still attached to the domain by some bond, or at least entirely subjected to the jurisdiction of the seigneur—this population, though it did not immediately gain relief from the power asserted by the people, could already be reckoned among the active forces of the nation; it was as a body of reserve, imbued with the spirit of patriotism, and capable of a spontaneous

* See above, p. 38 and following.

outburst of vigour, and devotion. This was seen when the defeat of Agincourt, more fatal than that of Poitiers, had brought a series of reverses on France, when the nobility, the *bourgeoisie*, and royalty itself were reduced step by step to the degradation of a treaty, which bequeathed the crown and delivered up the country to a foreign prince.* Paris, in a moment of weakness and panic, had opened its gates and *fêted* the triumph of the English; the kingdom was subdued as far as the Loire, where Orléans, the last bulwark of the yet unconquered provinces, maintained a desperate struggle with the invading army, which seemed to be the last breath of the national energy. We know what almost miraculous assistance then sprang up for that city and for the kingdom, the appearance of Jeanne d'Arc; what she accomplished; and how, through her and her example, an emotion of commiseration and indignation, the love of their common country, the determination of a general union, and of suffering everything for its salvation, sprang from the lowest ranks up to the superior classes of the nation.

A reign succeeds the long and difficult toil of the national deliverance, in which the principal counsellors were *bourgeois*; and the grandson of Charles V. resumed and developed those traditions of order, regu-

* The treaty of Troyes, concluded in 1420 with Henry V., King of England.

larity, and unity which the wise government of his grandfather had created. Charles VII. himself, weak and indolent by nature, yet occupies an important place in our history, not so much for what he did of himself, as for what was done in his name; his merit was to admit the influence and to follow the direction of minds inspired with the highest degree of courage and judgment. Talents and intellects of the first order were placed at his disposal, and toiled for him, in times of war with all the powers of genius warmed by patriotism, in peace with all the enlightenment of public opinion. It is a fact, already remarked and well worthy of being so, that that opinion had for its representatives, as the King for his Ministers, men sprung from the middle classes of the then existing state of society, the inferior nobility and the higher *bourgeoisie*. The plebeian names of Jacques Cœur and Jean Bureau stand pre-eminent above all the rest; the one was well qualified to perform the duties of a statesman by his experience in commerce, the other resigned the profession of the law to become, without previous preparation, a great master of artillery, and the first to make an effective and methodical use of a still recent instrument of war.*

The spirit of reform and improvement which, in

* The two great ordinances of 1443 and of 1454, which settled the responsibility of the treasury upon rational principles and fixed rules, are attributed to Jacques Cœur. Two brothers named Bureau sat in the council of Charles

1413, had burst forth for a moment, but had established nothing in consequence of the extreme views of the party which was its organ, re-appeared, and formed upon an entirely new plan the whole government of the kingdom, the finances, the army, the administration of justice and the general police.* The ordinances passed upon these different points had now their full effect; and were characterised, not like the preceding ones by a vagueness which betrayed confusion of ideas, but by something precise, clear, and authoritative, the sign of a practical ability, and of a will self-confident, because possessing the power. The question of permanent taxation, and taxes imposed without the concession of the states,

VIII.; his other *bourgeois* counsellors were Jean Jouvenel or Juvénal, Guillaume Cousinot, Jean Rabateau, Etienne Chevalier, and Jean Leboursier.

* See l'ordonnance du 2 Novembre, 1439, pour la réformation de l'état militaire; celle du 25 Septembre, 1443, sur le gouvernement des finances; celle du 10 Février, 1444, sur le même sujet; celle du 19 Juin, 1445, sur la juridiction des élus; celle du 26 Novembre, 1447, sur la comptabilité du trésor; celle du 28 Avril, 1448, sur les francs archers; celle du 17 Avril, 1453, pour la réformation de la justice; celles du 21 Janvier et du 3 Avril, 1459, sur la reddition des comptes et l'assiette des tailles; celle du 18 Septembre, 1460, sur la procédure devant les conseillers des aides et celle du mois de Décembre, 1460, sur la juridiction de la chambre des comptes. *Recueil des Ordonn. des rois de France*, t. xiii., p. 306; ibid, p. 372; ibid, p. 414; ibid, p. 428; ibid, p. 516; t. xiv., p. 1; ibid, p. 284; ibid, p. 482 et p. 484; ibid, p. 49[illegible] ibid, p. 510.

then made a decisive step; after some alternatives necessity settled it; and on these terms the kingdom for the first time became possessed of a standing army. The militia of the cities, hitherto organised, independently of and without the agency of royalty, was now fused into a royal and at the same time national army. The privileged class of the *Tiers Etat* experienced a diminution of its political rights; but the form of modern monarchy, of that government which was destined for the future to be at once single and free, was discovered. Its fundamental institutions already had existence; the task henceforward was to maintain, extend, and root it in the habits of the people.

The reign of Charles VII. was a period of national impulse; all that it produced of great and new emanated, not from the personal action of the King, but from a kind of popular inspiration, from which arose the movement, the conceptions, and the design in all affairs at that period. Such moments are always grand in the history of a people, but their nature is to last but a short time; the common effort does not support itself, fatigue and disunion supervene, and the reaction soon commences. The same powers which had established the new system of government were not able to preserve them intact; they were collective, and, as such, too much subject to change; the work of numbers required, in order that it might be saved from ruin, to be committed to the hands of an

individual. That individual, that personality, jealous, active, self-willed, was found in Louis XI. If any personages of history seem marked by the seal of Providence to perform a mission, the son of Charles VII. was one of them; he seems to have acted as king under a conviction of a duty superior, in his case, to all the duties of humanity—of an object to which he was obliged to advance without interruption, without having had time to choose his way. He who had raised the standard of opposition in concert with the aristocratic interests against his father, made himself the guardian and abettor of all that was odious to the aristocracy. He applied all the energies of his existence, all that he had of intellect and passion, of virtue and vice, to this purpose. His reign was a daily struggle for the cause of unity of power, and the cause of social equality—a struggle carried on after the manner of savages by cunning and cruelty, without courtesy and without mercy. Thence arises the mixture of interest and repugnance which is excited in our minds by a character so strangely original. The despot Louis XI. does not belong to the class of egotistical tyrants, but to that of merciless innovators; before our revolutions it was impossible to understand him. The condemnation which he deserves, and with which he will remain charged, is the ignominy which the human conscience throws on the memory of those who have thought that

all means are justifiable by which they can bend circumstances to the yoke of their own ideas.

This King, who affected to be one of the people by his tone, dress, and manners, who conversed familiarly with all sorts of persons, and wished to know, see, and do everything by himself, has some points of character which are only to be observed in the same degree in democratic dictatorships.* The spirit of the commonalty appeared in him even at the height of his power; he had a kind of presentiment of our modern civilisation; he divined all its tendencies, and aspired towards it without troubling himself about the possibility—without asking himself if the time were come. In the judgment, therefore, which is formed of him, we must consider at the same time what he accomplished, and what he wished to accomplish—both his works and his designs. He meditated the establishment throughout his kingdom of unity of customs, weights, and

* Entre tous ceulx que j'ay jamais congneux, le plus saige pour soy tirer d'ung mauvais pas en temps d'adversité, c'estoit le roy Louis XI., nostre maistre, le plus humble en paroles et en habitz . . ., naturellement amy des gens de moyen estat et ennemy de tous grans qui se povoient passer de lui. Nul homme ne presta jamais tant l'oreille aux gens, ny ne s'enquist de tant de choses comme il faisoit. (*Mém. de Philippe de Commynes*, edited by Mlle. Dupont, t. i., p. 83 and 84.)—De maintes menues choses de son royaulme il se mesloit et d'assez dont il se fust bien passé; mais sa complexion estoit telle, et ainsi vivoit. (Ibid, t. ii., p. 273.)

measures; on this point, as well as upon others, he proposed to imitate the admirable civil systems of the Italian republics.

Industry, confined to the corporations which had given it new birth after the revival of the cities, was altogether municipal; he endeavoured to make it national. He summoned merchants to his council of state, to advise with them upon the means of extending and encouraging commerce; he opened new markets, and promoted the undertaking of fresh manufactures; he paid attention to roads, canals, maritime commerce, the working of mines; he attracted by privileges contractors of works and foreign artisans, and simultaneously kept up a standing army four times as numerous as in days past; he built fleets, extended and fortified the frontiers, and carried the power of the kingdom to a point hitherto unheard of.* But these germs of

* Aussi désiroit fort que en ce royaulme l'on usast d'une coustume, d'un poiz et d'une mesure, et que toutes ces coustumes fussent mises en françois dans ung beau livre. (*Mém. de Philippe de Commynes*, t. ii., p. 209.)—Vous sçavez bien le désir que j'ai de donner ordre au fait de la justice et de la police du royaume, et, pour ce faire, il est besoin d'avoir la manière et les coutumes des autres pays; je vous prie que vous envoyez quérir devers vous le petit Fleurentin pour sçavoir les coutumes de Fleurence et de Venise, et le faites jurer de tenir la chose secrette, afin qu'il vous le die mieux et qu'il le mette bien par écrit. (*Lettre au sieur Dubouchage. Hist. de Louis XI.*, by Duclos, t. iii., p. 449.)—See

prosperity could only bear fruit in the future; the present was dark and gloomy; the taxes increased beyond measure; the prince who sowed for the people, and identified himself with them, was unpopular. He caused much suffering and experienced much himself in his life of labour, policy, fears, expedients, and continual anxiety.* The *bourgeoisie,* whose municipal privileges were the only ancient thing which he spared, was faithful to him, but without affection. His large views, his thoughts for the commonweal, the changes which he meditated, affected only a small number of those who heard them from his own

l'ordonn. du mois de Sept., 1474, sur les mines, et celle du mois d'Avril, 1483, sur le même objet, *Recueil des Ordonn. des rois de France,* t. xvii, p. 446; et t. xix., p. 105.—The ordinances of Louis XI. are drawn up with remarkable power; it is probable that they were detailed by himself. —Mais ung bien avoit en lui nostre bon maistre: il ne mettoit rien en trésor, il prenoit tout et despendoit tout Il feit de grans édiffices a la fortiffication et deffense des villes et places de son royaulme, et plus que tous les aultres roys qui ont esté devant luy. (*Mém. de Philippe de Commynes,* t. ii., p. 144.)

* Davantaige il sçavoit n'estre point aymé de grans personnaiges de son royaulme, ne de beaucoup de menuz: et si avoit plus chargé le peuple que jamais roy ne feit, combien qu'il eust bon vouloir de les descharger, comme j'ay dict ailleurs. (Ibid, t. ii., p. 224.)—Je croy que, si tous les bons jours qu'il a euz en sa vie, esquelz il a eu plus de joye et de plaisir que de travail et d'ennuy, estoient bien nombrés, qu'il s'y en trouveroit bien vingt de peine et de travail contre ung de plaisir et d'ayse. (Ibid, p. 277.)

mouth, and were capable of judging of them. The mind of the age perceived nothing of these things, but, by way of retaliation, it has caught to the life in Louis XI. the portrait of the outer man—that sarcastic and sinister figure which tradition preserves, and still imposes upon history.

## CHAPTER IV.

### THE STATES-GENERAL OF 1484—THE TIERS ETAT UNDER LOUIS XII., FRANCIS I., AND HENRY II.

Summary: States-General of 1484—Demand of Guarantees evaded; Progress under the Arbitrary Government—Commencement of the Wars in Italy—Revival of Letters and Arts—Political Part of the Parliament of Paris—Reign of Louis XII.; Public Prosperity—Ordinance of 1499—Compilation and Reformation of Customs—Reigns of Francis I. and Henry II.; Continuation of Progress in every Department—Magnificence of Buildings—Taste for Art among the Nobility—Offices held by the *Tiers Etat*—The Class of Lawyers—Ambition of the *Bourgeois* Families; Great Number of Students—The Class of Capitalists called Financiers.

In the life of nations, however salutary at intervals the despotism of a superior mind may be, it is seldom that its influence, if prolonged, does not lead those who are subjected to it to experience an extreme fatigue which makes them glad to find relief in the government of ordinary minds, or even in the risks of political liberty. The death of Louis XI. seemed like a general deliverance, and was followed by the convocation of the States-General. It was on the 5th

of January, 1484, that the assembly met, to which was committed by general consent the power of absolute judgment upon the work of the last reign, of condemning or justifying its acts, of doing and undoing what it had undertaken.* Never at any session of the three estates had the conditions of a real national representation been so completely fulfilled; all the provinces of the kingdom, the north (*langue d'Oil*) and the south (*langue d'Oc*), were united in the same convocation; the election of the three orders was made at the chief place in each *bailliage*, and the peasants themselves had taken their share in it; lastly, in the assembly of the states the deliberation was conducted, not by each order apart, but by majority, in six chambers corresponding to as many territorial regions. Never, moreover, since the assembly of 1356, had the question of the power of the states been so clearly stated and so boldly discussed. There were flashes of political independence and eloquence; but all evaporated in words which had no effect, or nearly none, against admitted facts. There was a strong disposition in some way to efface the reign of Louis XI., and bring back affairs to the point at which they had been left at

* Favebit quidem rex et annuet vestris consiliis; nec favebit modo, verum etiam quæ sibi regnoque dixeritis utilia, summo studio curabit exequi, servare defensareque. (Speech of the Chancellor Guillaume de Rochefort, *Journal des Etats généraux tenus à Tours en* 1484, in the reign of Charles VIII., translated into Latin by Jean Masselin, edit. of M. Bernier, p. 54.)

the death of Charles VII. The impulse in favour of a centralised administration, one and absolute, was too strong; and from these discussions, full of life and interest in the journal in which they are preserved to us, there resulted in reality only some modification, some promises and hopes which were soon falsified.*

Among the speeches delivered in that assembly, there is one which cannot be read at the present day without astonishment, for it contains propositions such as the following:—"Royalty is an office, not an inheritance.—It was the sovereign people who originally created kings.—The government is the business of the people; the sovereignty does not belong to the princes, who only exist by the will of the people.—Those who hold the power by force, or in any other manner, without the consent of the people, are usurpers of another's property.—In case of the minority or the incapacity of the prince, the public property returns to the people, who resume it as their own.—The people consist of the whole body of the inhabitants of the kingdom; the States-General are the depositories of the common will.—An act does not receive the power of law except by the sanction of the states, nothing is binding or settled without their consent."† These

* See the *Journal des Etats généraux tenus à Tours en* 1484, text and appendixes.

† Regnum dignitas est, non hæreditas.—Historiæ prædicant, et id a majoribus accepi, initio domini rerum populi suffragio reges fuisse creatos.—Nonne crebro legistis rempublicam rem

maxims, from which our modern revolutions were to spring, were then proclaimed, not by a representative of the plebeian classes, but by a nobleman, the Sire de la Roche, deputy of the nobility of Burgundy; they were nothing in his view but the traditions of his order, rendered generous by an elevated intellect, and by a certain knowledge of Greek and Roman history. But the traditions of the *Tiers Etat* did not speak to them in a language which could lead them to a similar creed of political faith; it was still too near its sources, too much bound to its old beaten track. It paid no attention to principles, which three centuries later became its weapon in the great revolutionary struggle, and only interested itself in the

populi esse? . . . Quomodo ab assentatoribus tota principi tribuitur potestas a populo ex parte facto?—Vobis probatum esse velim rempublicam rem populi esse et regibus ab eo traditam, eosque qui, vi vel alias, nullo populi consensu eam habuere, tyrannos creditos et alienæ rei invasores. Constat autem regem nostrum rempublicam per se disponere non posse. . . . Oportet propterea ut ad populum redeat, hujus rei donatorem, qui eam quidem resumat, velut suam.—Populum autem appello, non plebem, nec alios tantum hujus regni subditos, sed omnes cujusque status, adeo ut statuum generalium nomine etiam complecti principes arbitrer, nec aliquos excludi qui regnum habitent. . . . Cum intelligatis vos universorum statuum regni legatos, et procuratores doctos, et omnium voluntatem vestris in manibus esse.—Robur enim tum facta præterita capere reor, quum status ea probaverint, nec aliquid sancte solideque subsistere, quod fit invitis aut inconsultis statibus. (*Journal des Etats généraux tenus à Tours en* 1484, p. 146, 148, and 150.)

redress of material wrongs, and the question of permanent and arbitrary taxes. It was on this point alone that the deputies of the commonalty maintained the right of the States-General, whose liberty and sovereignty in every respect were laid down by others.*

The political movement of 1357 was no longer possible in 1484; it had taken as its principle the spirit of municipal liberty in its highest degree of action. The dream of Etienne Marcel and his party was a confederation of sovereign cities having Paris at their head, and governing the country by means of a diet under the king as suzerain. But this old spirit of the French *bourgeoisie* had gradually disappeared to make way for another less desirous of local rights and personal independence than of public order and national vitality. In the states of 1484 the chamber in which the deputies of Paris voted was the first to make concessions, which obliged the assembly to raise the amount of the money which it had agreed to grant. In every respect the representatives of the *bourgeoisie*, as far as we are able to distinguish their share in the resolutions voted by a majority of the whole body, and not by the three orders sepa-

* Hæc etiam illos liquido refellunt, qui, duntaxat levandorum tributorum, non alterius operæ vel finis gratia, conventionem indictam arbitrantur. (Speech of Sire de la Roche, *Journal des Etats généraux tenus à Tours en* 1484, p. 150.)—Ut liberam statuum potestatem intelligere ac tueri velint. (Ibid, p. 140.)

rately, devoted themselves to matters which were purely practical and of present interest. We do not observe them, like the *échevinage* and university of Paris in 1413, present a new system of government; the reign of Louis XI. had left nothing important or feasible of that kind. Nothing remained but to glean after him, or to ease the springs of government which he had strained at all points, to demand the execution of his designs which were still incomplete, and the remedy of evils which he had occasioned by the impetuosity and the extravagances of his absolute will. The principal articles of the chapter of the *Tiers Etat* in the general *cahier* of the three orders were—the diminution of the taxes and the reduction of the royal troops, the suppression of the poll tax as arbitrary, the resumption of alienated portions of the royal domain, the vigorous execution of the acts guaranteeing the liberties of the Gallican Church, and the compilation of the customs, which would be a first step towards the unity of law.*

The assembly of 1484 took care not to vote any subsidy except under the name of a free grant and a concession. It demanded the convocation of the States-General within a period of two years, and did not separate till after it had obtained the promise.†

* See the *Journal des Etats généraux tenus à Tours en* 1484, appendix, No. 1.

† Pour subvenir aux grans affaires dudit seigneur, tenir son royaume en seureté, payer et soudayer ses gens d'armes et sub-

But the fourteen years of the reign of Charles VIII. passed away without even a second convocation of the states, and the taxes were collected afresh by an ordinance, and dispensed without control. To judge of this by the zeal of the three orders to render their consent necessary, and by the picture which their *cahiers* traced out of the misery of the people oppressed by the burden of the taxes, were a great delusion; all seemed to say that the absolute monarchy was leading the country to its ruin, and yet it was not so. The country remained under the arbitrary government; it had to bear fresh abuses, often enormous, of this government; it suffered without doubt; but, far from sinking, its vital powers were increased by a progress silent and imperceptible.

venir à ses autres affaires, les trois estatz lui ottroyent par manière de don et ottroy et non autrement, et sans ce qu'on l'appelle doresenavant tailles, ains don et ottroy, telle et semblable somme que du temps du feu roi Charles VII. estoit levée et cueillie en son royaume, et ce pour deux ans prochainement venans, tant seulement et non plus. . . . Que le bon plaisir dudit seigneur soit de faire tenir et assembler lesdits étaz dedens deux ans prouchainement venans en lieu et temps qu'il luy plaira, et que de ceste heure, lesditz lieu et temps soient nommez, assignez et déclairez; car, lesditz estaz n'entendent point que doresenavant on mette sus aucune somme de deniers, sans les appeller, et que ce soit de leur vouloir et consentement.—Le roy est content que les estatz se tiennent dedens deux ans prouchainement venant et les mandera. (*Journal des Etats généraux tenus à Tours en* 1484, p. 449, 451, et 712.)

In the sufferings of nations there are some fruitful as well as barren; the distinction between them escapes the observation of the generations which undergo them; it is the mystery of Providence, which does not reveal itself till the day appointed for the accomplishments of its designs. It was a singular circumstance that, at the very time when the public voice had just proclaimed with bitterness the approaching exhaustion of the kingdom, by a caprice of foolish heroism on the part of Charles VIII., the invasion of Italy, the most distant expedition that France had ever yet made, was determined upon. The expenses of the armaments alone were more than were required for the whole reign of Louis XI. A long peace seemed to be the only means of salvation; and yet the era of important wars opened upon the nation without a crisis at home and with honour abroad.

In the twelfth century the revival of the municipal institutions had been the result of a revolution effected in Italy; the revival of the Roman law in the thirteenth century was brought to us from the Italian schools; at the end of the fifteenth century another event, initiated in Italy, the revival of letters, took place among us—by means, however, of deplorable events, of fifty years' war on the other side of the Alps. Once opened by our arms and by intestine feuds to foreign occupation, the country which preserved and fostered the traditions of Roman genius for the world became the field of battle and

the prey of the European monarchies. It lost the stormy independence which had formed its life, and henceforward declined without rallying in the midst of the progress of modern civilisation.

France had the misfortune to strike the first blows which caused that mighty ruin; but, once brought into contact, although under circumstances of violence, with the free states and principalities of Italy, she imbibed in those relations, hostile or friendly, a new spirit—a worship of the master-works of antiquity, and a passion to renew all their ideas and all their arts by her own study of them. At the same time that a wider and more secure way was opened to the national genius by that intellectual revolution, a fellowship of mind, also, was in some sort established among men of superior intelligence, whom the separation of ranks and classes had hitherto kept at a distance from one another; a certain equality instilled by a literary education lessened more and more the traditional difference of feeling and manners. In this way the introduction of a public opinion was prepared by degrees, and cherished throughout the nation by all the new acquisitions of knowledge and intellect. This opinion, which seized upon everything, and changed everything after a century, dates, for those who wish to mark its origin, from the time, when a common stock of purely secular ideas, of studies springing from a source different from that of the schools of the Middle Ages,

began to form itself above the native tradition, prejudices of caste, government and faith.

In spite of the doctrines which had resounded from the tribune in 1484—*the sovereignty of the people, the will of the people, the right of possession in the people over the public property*—no change was made in the character of the States-General; they continued to be, as they were before, a last resource in time of danger, not a regular and permanent institution. We might say that it was the destiny, the instinct of the French nation not seriously to desire political freedom so long as equality was impossible. It was from the breaking down of class government, and the reuniting everything to itself by the *Tiers Etat*, that the first attempt at a true representative constitution was destined to emanate anong us. The States-General under Charles VIII. had demanded that their right of interference should be declared permanent, and their session periodical.* Between this demand and the inauguration of the government by assemblies,

* Semble ausditz estatz que, pour le bien et réformacion du royaume, Daulphiné et pays adjacens, et que bon ordre soit tenu et pour parvenir aux affaires du roy nostre dit seigneur . . . ledit seigneur doit desclairer et appointer que lesditz estaz desditz royaume, Daulphiné et pays adjacens, seront assemblez ou temps et terme de deux ans prouchainement venans, et aussi continuez de deux ans en deux ans. . . . Et supplient lesditz estaz audit seigneur qu'il luy plaise ainsi l'ordonner et desclairer. (*Journal des Etats généraux tenus à Tours en* 1484, p. 697.)

more than three centuries elapsed; in this interval an important fact, peculiar to our history, occurs, the political part of the Parliament of Paris. It was from the midst of the corporation of *bourgeois* legists, who, being invested with the judicial authority, had established absolute power for the king and the common law for the nation, that there arose in the sixteenth century a constant, enlightened, and courageous control over the acts of the Government.

Some simple formalities without apparent consequence, the custom of promulgating the royal edicts in the court of Parliament, and of having them inscribed on the register of which the court had the custody, opened to that body of the judicature the road which led it to mix itself in the affairs of the State. Following the legal forms, from which the Parliament never departed under any circumstances, the enrolment of each new law took place by means of a decree; but as no decree was made without previous deliberation, there gradually resulted from this circumstance the right of examination, criticism, amendment, protest, and even veto by the refusal to register. At the period which our history has reached, this claim to a share of the legislative government was not openly proclaimed, but it was brooding, if I may use such an expression, under appearances of an absolute submission to the royal will, and of a firm resolve not to venture beyond the circle of its

judicial duties.* The reign of Louis XII. saw the commencement of a twofold change, which turned the high court of justice into a sort of mediatorial power between the throne and the nation, and the ancient opponents of all resistance to the authority of the prince into the advocates of public opinion, and the magistrates into citizens using their personal independence for the sake of all, and sometimes displaying virtues and characters worthy of the best days of antiquity.†

* Quant à la cour, elle est instituée par le roy pour administrer justice, et n'ont point ceux de la cour l'administration de guerre, de finances, ni du fait et gouvernement du roy ni des grands princes. Et sont Messieurs de la cour du parlement gens clercs et lettrez pour vacquer et entendre au faict de la justice; et quant il plairoit au roy leur commander plus avant, la cour lui obéiroit, car elle a seulement l'œil et regard au roy qui en est le chef et sous lequel elle est. Et par ainsi, venir faire ses remonstrances à la cour et autres exploits sans le bon plaisir et exprès consentement du roy, ne se doit faire. (Answer of the Chief President La Vacquerie to the Duke of Orléans, 17th January, 1485; registers of the Parliament cited by Godefroy, *Hist. du roi Charles VIII.*, p. 466.)

† Il parlamento di Parigi ha amplissima autorità, ed e com un senato ove son centotrenta consiglieri del re. . . . Ha autorità ancora nella giustizia e nelle leggi; o modera, interpreta o reproba del tuto qualche volta le deliberazioni del consiglio privato di sua maestà. (Account of the Government of France, by Marc-Antoine Barbaro, Venetian ambassador in 1563, *Relations des Ambassadeurs Vénitiens*, published by M. Tommaseo, t. ii., p. 26.)—Le second frein est la justice, laquelle sans point de difficulté est plus auctorisée en France qu'en nul autre païs du monde que l'on sçache, mesmement à cause des parlements qui ont été instituez principalement pour ceste

Louis XII. was a prince of a happy nature, appearing in one of those happy moments when it is easy to govern. The fifteen years which had elapsed since the termination of the reign of Louis XI. had sufficed to form the choice of the good and the ill in the consequences of that reign; the national suffering had effected its own cure, and on every side burst forth the signs of progress and prosperity. The cultivation of the rural districts was improved and extended, new quarters were built in the cities, and houses of greater convenience and magnificence rose on all sides. The competency of the middle classes discovered itself more than ever in dress, furniture, and expensive amusements. The number of merchants were multiplied in a manner that excited the astonishment of those times, and foreign traffic increased in extent and success; the price of all articles was raised, landed property produced more, and the collection of the taxes was made without compulsion, and at little expense.* It is, perhaps, at this period that

cause, et à ceste fin de refrener la puissance absoluë dont voudroient user les roys. (*La Monarchie de France*, by Claude de Seyssel, part 1, chap. x.)

* L'on veoid généralement par tout le royaume bastir grands édifices tant publiques que privez. . . . Et si sont les maisons meublées de toutes choses trop plus somptueusement que jamais ne feurent; et use l'on de vaisselle d'argent en tous estats plus qu'on ne souloit. . . . Aussi sont les habillemens et la manière de vivre plus somptueux que jamais on ne les veid. . . . Et pareillement on veoid les mariages des femmes trop plus grands

we must place, in the series of our national advancements in wealth and prosperity, an acceleration intermediate between that which had called forth the municipal revolution three centuries before, and that prevailing impulse which was given three centuries afterwards by the constitutional revolution of the kingdom. To this point, moreover, corresponds the first step towards the fusion of the various classes in one general order, which embraces and protects them all, upon a territory henceforward united and com-

et le prix des héritages et de toutes autres choses plus hault. . . . Le revenu des bénéfices, des terres et des seigneuries est creu partout généralement de beaucoup. . . . Aussi est l'entrecours de la marchandise, tant par mer que par terre, fort multiplie. . . . Toutes gens (excepté les nobles, lesquels encore je n'excepte pas tous) se meslent de marchandise. Et pour un marchand que l'on trouvoit du temps dudict roy Louys onziesme, riche et grossier à Paris, à Rouen, à Lyon, et aux autres bonnes villes du royaume et généralement par toute la France, l'on en trouve de ce règne plus de cinquante. Et si en ha par les petites villes plus grand nombre qu'il n'en souloit avoir par les grosses et principales citez; tellement qu'on ne faict guières maison sur rue qui n'ait boutique pour marchandise ou pour art mécanique. . . . L'on veoid aussi quasi par tout le royaume faire jeux et esbatemens à grands frais et cousts. . . . Et si suis informé par ceulx qui ont principale charge des finances du royaume, gens de bien et d'auctorité, que les tailles se recouvrent à présent beaucoup plus aisément, et à moings de contraincte et de frais, sans comparaison, qu'elles ne faisoient du temps des roys passez. (*Les louenges du bon roy de France Louys XII., dict père du peuple et de la félicité de son règne*, by Claude de Seyssel, édit. by Théod. Godefroy, p. 111 and following.)

pact, and under an administration already regular and tending to become uniform.

It seems that Louis XII. must have had a strong desire to abolish all the wrongs denounced by the states in 1484; this is proved by the most important legislative act of his reign, the ordinance of March, 1499. We there perceive, in connexion with the regulation of all matters of justice, the intention of satisfying the complaints which still remained unnoticed, and of performing the promises which had been imperfectly fulfilled. The principle of election for the offices of the judicature, a principle precious in the opinion of the *bourgeoisie*, which had been loudly maintained by the reformers of 1413, is there seen accompanied by guarantees against that abuse—the venality of appointments.* The government of Louis XII. was, above all, economical and regardful of the interests of the poor; it proposed generously, but perhaps imprudently, to diminish the taxes, at the same time that it undertook the continuance of the war. This King, with his chivalrous spirit, was the idol of the *bourgeoisie*; he entertained great regard

* See the ordinance of March, 1499, on the reform of justice, Art. 30, 31, 32, 40, 47, and 48. *Recueil des anciennes Lois Françaises*, by M. Isambert, t. xi., p. 323.—The venality of appointments, at first forbidden by the kings, then tolerated and practised by them, re-appeared in the reign of Francis I.; and since then it was kept up, in spite of the protests of the States-General and the promises of Government.

for it, without affecting any resemblance whatever to it in his own person. The only political assembly held in his reign was a council of *bourgeois*, in which the nobility and clergy figured merely as an ornament of the throne; the deputies of the cities and of the judicial body, the only parties expressly convoked, were the only ones who voted; and it is in this congress of the *Tiers Etat* that the title of "Father of his people," which history has preserved for him, was awarded to Louis XII. by the mouth of a representative of Paris.*

There is glory in such a name; but another glory of this reign was to establish the predominance of the legislation over custom, and to mark, within the sphere of the civil law, the end of the Middle Ages, and the commencement of the modern era. The project of digesting all the customs prevalent in France, and of publishing them, revised and sanc-

* Pour laquelle chose (le mariage de madame Claude de France avec François, comte d'Angoulême) traicter, voulut audict lieu de Tours tenir conseil. Dont envoya à tous ses parlements de France et à toutes ses villes, pour faire venir vers luy de chacun lieu gens saiges et hommes consultez. Et tant que en peu de temps furent en ladicte ville de Tours, de chascune cour de parlement, présidents et conseillers, et, de toutes les principales villes de France, hommes saiges, ordonnez et députez par lesdictes villes et pays de France, comme dict est. (*Hist. de Louis XII.*, by Jean d'Auton, edit. of Th. Godefroy, p. 3.)—On the character of this assembly, opened on the 10th of May, 1506, see the *Histoire des Etats généraux*, by M. Thibaudeau, t. 1er, p. 379, and foll.

tioned by the royal authority, had been conceived and announced by Charles VII.; by Louis XI. they were made the basis of his plans for the unity of the national law, but nothing was done towards its execution by that King. Charles VIII. decreed afresh what his grandfather had wished to do; but it was Louis XII. on whom the honour devolved of having not only commenced, but also far advanced the execution of this important undertaking.* From 1505 to 1515, the year of the King's death, twenty customs observed in districts or cities of importance were received, examined, and published, with definitive sanction.† This labour of digesting, and at the same time reforming the ancient common law, has for its prevailing characteristic the preponderance of the *Tiers Etat*, of its spirit and its habits, in the new legislation. A learned jurist has made this remark upon it, and quotes as a proof the changes which took place with respect to the marriages between nobles, in the disposal of the property of the re-

* See the ordinance of Charles VII., before Easter, 1453; and those of Charles VIII., 28th January, 1493, and 15th March, 1497, *Recueil des Ordonn. des rois de France*, t. xiv., p. 284, et t. xx., p. 433, and Richebourg, *Coutumier Général* t. iv., p. 639.

† Those of Touraine, Melun, Sens, Montreuil-sur-Mer, Amiens, Beauvoisis, Auxerre, Chartres, Poitou, Maine, Anjou, Meaux, Troyes, Chaumont, Vitry, Orléans, Auvergne, Paris, Angoumois, and La Rochelle.

spective parties.* In addition to this kind of mutation, which almost all the customs underwent, a change was forwarded by the pressure that the Roman law exercised more and more upon them, which, at each advancement of our national law, made the latter lose something of that which it retained of German tradition.

This King, whose deference to the law and devotion to his duties reminds us of one of the chief features in the character of St. Louis, was succeeded by a prince who knew no law but his inclinations, his will, and the advancement of his power. Fortunately, among the chances to which Francis I. abandoned his conduct, he frequently happened to make a lucky hit for his own glory and the benefit of his kingdom. His inclinations, though ill-regulated, were generous, and characterized by something great; his will, arbitrary and sometimes violent, was generally enlightened; and his egotistical views were in accordance with the national ambition. A brilliant innovator, he was not backward in furthering the progress of useful objects. Louis XI. had rendered himself odious to the nobility, and Louis XII. had displeased them by continuing the same policy under other forms; thence the danger of a reaction capable of turning the royal power off the road which it had prepared for itself in concert

* M. Edouard Laboulaye. *Recherches sur la Condition civile et politique des Femmes, depuis les Romains jusqu'à nos jours*, p. 378.

with the *bourgeoisie*. This might have been expected at the accession of a king, who was pre-eminently the gentleman, and who assumed this character both in his virtues and vices; but it was not so, thanks to the very reason which rendered such an event probable. The attachment of the nobles to the young King, and the seductive influence which he exercised over them, lulled their political passions to sleep.* Without resistance and without a murmur, they saw the seigniories more and more encroached upon by the royal offices, and the movement which was drawing everything towards civil equality and unity of government. The activity which they had too often wasted in turbulence was now employed in heroic actions, in the battles which France offered in order to obtain a place worthy of herself among the states of Europe. They formed themselves, in a more earnest and assiduous manner than ever, in the great school of regular armies, in which, together with patriotism, are learnt the spirit of order, discipline, and respect for other merits besides those of birth and rank.†

* Jamais n'avoit esté veu roy en France de qui la noblesse s'esjouyst autant. (*Hist. du Chevalier Bayard*, edit. of Théod. Godefroy, 1650, in-12, p. 361.)

† Et davantage il y a la gendarmerie ordinaire plus grande et mieux payée et entretenue qu'en nul autre lieu que l'on sçache, laquelle est introduicte tant pour la défense du royaume, et aussi afin qu'il y ait toujours nombre suffisant de gens armez, et montez et exercitez aux armes, qu'aussi

The march of French civilisation, since the last years of the fifteenth century, continued under Francis I., in spite of the obstacles which opposed it—first, the disorder into which the administration fell; and, secondly, the political struggle, in which France had frequently arrayed against her all the powers of Europe. In the midst of scandalous extravagances, great errors, and unheard-of misfortunes, not only were none of the sources of public prosperity closed, but new ones were opened. Industry, commerce, agriculture, the regulation of waters and forests, the working of mines, distant voyages, undertakings of every kind, and the security of all civil transactions, were the object of legislative provisions, of which some still remain in active force.* There was a continual progress in the arts which form the comfort of social life, and which were

pour l'entretenement des gentilzhommes, et si y sont les charges de parties, de sorte qu'un bien grand nombre de nobles hommes et de diverses conditions se peuvent entretenir honnestement, encore qu'il n'y ait aucune guerre au royaume. Car les grands ont charge de gens d'armes plus grande ou moindre, selon leur qualité et vertu. Les autres sont lieutenants, les autres porteurs d'enseignes, les autres hommes d'armes et les autres archers, et encore les jeunes gentilzhommes y sont nourris pages. (*La Monarchie de France*, by Claude de Seyssel, part i., chap. xiv.)

* See in the *Recueil des anciennes Lois Françaises*, by M. Isambert, t. xi. and xii., the ordinances of Francis I., and, among others, the edict of Villers-Cotterets, in 192 articles, August, 1539.

practised by the *Tiers Etat* alone; while in the higher sphere of imagination and knowledge there was a spontaneous outburst of all the powers of the national intelligence. There, at its highest point, is seen that intellectual revolution which is called in one word the Renaissance, and which renewed everything—sciences, arts, philosophy, literature—by the alliance of French talent with the genius of antiquity. To that mighty movement of ideas which opened for us the modern period, history attaches the name of Francis I., and with justice. The ardent curiosity of the King, his sympathising patronage, and his liberal foundations, hastened the nation to the slope down which it ran of its own accord. The impetus once given was sufficient; and under Henry II. the new lustre with which art, science, and literature burst forth, gained fresh strength without any need of the royal co-operation.* These two reigns form a single period in the history of our civilisation, a period for ever remarkable, which comprises fifty-nine years of the sixteenth century, and marks with a glorious distinction the character of that century, so great in the first half of its course, so full of misery and convulsions in the second.

When the fatal period of the religious wars befell her, France, settled down after long years

* See the *Histoire de France*, by M. Henri Martin, t. ix., p. 69 and foll., 267 and foll., and 627 and foll.

of action abroad, was about to make a start in a contrary direction, and to concentrate her powers on the work of her internal prosperity. Everything, at least, seemed to announce it, and the direction of this movement was already marked in a striking manner. In spite of the exhaustion of resources, caused by foreign expeditions, and a frequent alternation of conquests and defeats, the country displayed a degree of luxury in the arts of the Renaissance unknown till then. The Italians themselves were amazed by the number and magnificence of new constructions of palaces and mansions. These buildings covered with sculptures, the very fragments of which excite our admiration, gardens ornamented with statues, porticos, fountains playing into marble basins, replaced, in many of the country seats, not only around, but at a distance from Paris, the towers and the warrens of the seigneurial manors.*

* Fabrica adunque la nobilta a i castelli e a i villaggi; e se ne veggono, per dire il vero, per tutto il regno edificii tanto superbi ch' è un stupore. Perchè, lasciando di parlare del parco di Sciamburgh (Chambord) presso Blès, di quello di Fontanableo, di Madril (Madrid), di San Germano in Laia, di quello di Boos di Vincennes, di San Moro, allo intorno di Parigi, senza la infinita di quelli che io non ho veduti, che sono machine reali, o di quelle a punto che favoleggiano li romanzi esser state case di Morgana e di Alcina, dirò che in questo li principi e li particolari signori e cavalieri usano una estrema liberalità e spesa. E come che pochi io ne abbia veduti, dirò non dimeno che, a mio giudizio, non si può aggiungere nè desiderare cosa alcuna nel castello

The nobility, following the example of the kings, lavished their money on the luxuries of civilisation; and if the merit of the workmanship belonged to artists from among the people, there was a credit due likewise to the great nobles for that appreciation of the beautiful which prompted them to expend so much upon it. At a later period this same taste, applying itself in polished conversation to the criticisms of works of genius and literary productions, contributed, in a degree which it is just to acknowledge, to the progress of letters under Louis XIV.*

di Equam e in quello di Haion (Gaillon) del cardinale di Borbon; in quello di Sciantili (Chantilly) ch' erà del duca di Montemorency; in quello di Noisi del marescial di Reez; quello di Vernoy (Verneuil) del duca di Nemours; di Medun (Meudon), del sudetto cardinale; tutti chi sei, chi otto e chi dieci leghe lontani da Parigi; dove si veggono archi, aquidotti, statue, giardini, parchi, peschiere, e tutte quelle commodità in fine che si ricercano a edificii regii. (Voyage de Jérôme Lippomano, *Relations des Ambassadeurs Vénitiens sur les Affaires de France au* XVI[e] *siecle*, publiées par M. Tommaseo, t. ii., p. 490.)

* For an unexceptionable testimony to this fact, of which the proofs are abundant, see the epistle of Boileau to Racine—

"Et qu'importe à nos vers que Perrin les admire . . .
Pourvu qu'ils puissent plaire au plus puissant des rois;
Qu'à Chantilly Condé les souffre quelquefois;
Qu'Enghein en soit touché; que Colbert et Vivone,
Que La Rochefoucauld, Marsillac et Pompone,
Et mille autres qu'ici je ne puis faire entrer,
A leurs traits délicats se laissent pénétrer? . . .
C'est à de tels lecteurs que j'offre mes écrits."

It is by this kind of influence, more than in any other manner, that the ancient aristocracy has had its share of action upon the moral and social development of France in modern times. Always ready when circumstances required them to fight for the defence or honour of the kingdom, but little friendly, except in this instance, to labour and serious occupations, the French nobility had been a military, and not, as they might have been, a political class. From the time that a government worthy of the name began to revive under the influence of the principles of the civil law, and that, in order to discharge the judicial and administrative duties, long studies, a sedentary life, and a daily application were necessary, the nobility, far from coveting those offices, and the power that was attached to them, only regarded them with disdain. They seemed to stand aloof from them, rather than to be driven from them by the distrust of royalty; and, confining their desires to military appointments and places at court, they permitted all the rest to fall into the hands of the *Tiers Etat.** This was a great mistake

* An ordinance of Charles VI., upon the number, functions, and salaries of the officers of justice and finance (7th January, 1400), contains what follows: "Que doresnavant, quant les lieux de présidens et des autres gens de nostre parlement vacqueront, ceulx qui y seront mis soient prins et mis par ellection . . . et y soient prinses bonnes personnes, sages, lettrées, expertes et notables, selon les lieux où ils seront

as far as they were themselves concerned, and, perhaps, a great evil for the destiny of the country.

At the period which we have now reached, the *Tiers Etat*, by a sort of prescriptive right, less exclusive in respect of the clergy than of the nobility, found itself in possession of almost all the offices of the civil government, even to the most exalted—even to those which have since been designated by the name of ministerial. It was the plebeian order which supplied, on the recommendation of university honours and other proofs of qualification, more or less numerous, the chancellor, keeper of the seals, the secretaries of state, the masters of requests, the attorneys and solicitors-general of the king, the whole judicial body, composed of the grand council, the court of appeals and of reserved cases,* of the Parliament of Paris with its seven chambers,† of the court of exchequer, of the court of aids, of the eight provincial parliaments,‡ and of a multitude

mis. . . . Et aussi que entre les autres l'en y mette de nobles personnes qui seront à ce suffisans." (*Ordonn. des rois de France*, t. viii., p. 416.)—See below, chap. vii.

* This tribunal, separated from the council of state, and intrusted with the highest part of its judicial prerogatives, was established by two ordinances issued in 1497 and 1498.

† These were the *grand' chambre*, or court of pleas; the *tournelle*, or criminal court; four courts of inquest, and one of requests of the palace.

‡ These were, at the end of the reign of Henry II., the parliaments of Toulouse, Grenoble, Bordeaux, Dijon, Rouen, Aix, Rennes, and Dombes.

of inferior courts, at the head of which figured the presidial. Similarly, in the administration of the finances, the functionaries of every rank—treasurers, superintendents, intendants, comptrollers-general, and special receivers—were taken from the educated *bourgeois*, who were called *hommes de robe longue*.* As regards the jurisdiction exercised by the seneschals, the bailiffs, and the provosts of the king, if that class of offices continued to be held by men of noble birth, they were always obliged to have graduates of the university as deputies or assessors. The only employments closed to the *bourgeoisie* were the governments of provinces, of cities, and fortresses, military and naval rank, offices in the royal palace, and em-

* Per dir prima del terzo stato del popolo, questo ha sempre nelle mani quattro importantissimi officii, o sia per legge, o per antica consuetudine, o perchè alli nobili non par onorevole esercitarsi in questa sorte di carichi. Il primo è l'offizio di gran cancelliero, che va in tutti gli consigli, che tiene il gran sigillo, e senza il parere del quale non si delibera nessuna cosa d'importanza, e si delibera, non s'eseguisce. L'altro è quello delli secretarii, alli quali ciascuno, secondo il suo particolare carico, è deputata la cura de l'espedizione degli negozii, e custodia delle scritture e delli secreti più importanti. Il terzo è degli presidenti, consiglieri, giudici, avocati, e altri che hanno la cura delle cose della giustizia cosi in criminale come in civile per tutto il regno. Il quarto è delli tresorieri, esattori e recevitori generali e particolari, per le mani delli quali passa tutta l'amministrazion delli danari, dell' entrate, e spese della corona. (*Commentaries on the Kingdom of France*, by Michel Suriano, Venetian ambassador in 1561; *Relations des Ambassadeurs Vénitiens*, t. i., p. 486.)

bassies, intrusted, according to the occasion, to men of high birth, or to ecclesiastics of the higher class. The supreme deliberative power, the council of state, in which barons and ecclesiastics formed one half, up to the end of the fourteenth century, numbered at the end of the sixteenth a majority of lawyers among its members.* It was in vain that a great minister, a noble by birth, at that time entertained the idea of changing that majority, of giving to the great lords the right of sitting in the council, and of making it a school of administration for the nobility.†

* The number of nobles in attendance was reduced, except in extraordinary cases, to the constable, the marshals and admirals of France.

† Sully, writing to Henry IV., said to him, "Sire, je ne sais pas au vray qui vous peut avoir fait des plaintes qu'il entre plusieurs personnes dans vostre conseil d'estat et des finances, lesquelles n'y devroient nullement estre admises. . . . Afin de parler selon ma franchise accoustumée, je ne nieray point que je n'aye souvent exhorté les princes, ducs, pairs, officiers de la couronne et autres seigneurs d'illustre extraction, et que j'ay reconnus avoir bon esprit, de quitter les cajoleries, fainéantises et baguenauderies de court, de s'appliquer aux choses vertueuses, et, par des occupations sérieuses et intelligence des affaires, se rendre dignes de leurs naissances, et capables d'estre par vous honorablement employez; et que, pour faciliter ce dessein, je n'aye convié ceux de ces qualitez qui ont des brevets, de se rendre plus assidus ès conseils que nous tenons pour l'estat et les finances, les asseurant qu'ils y seroient les mieux venus, moyennant qu'ils en usassent avec discrétion, et ne s'y trouvassent point plus de quatre ou cinq à la fois, afin de tenir place de pareil nombre de soutanes qui ne faisoient que nous importuner sans cesse,

The superior offices of judicature and finance secured to those who held them, besides their salaries, which were more or less considerable, privileges which gave them a kind of nobility not hereditary, and which did not raise them from the *Tiers Etat.* They were exempt from various taxes and duties, and were able to buy the estates of nobles without paying the dues which were exacted in that case from a plebeian purchaser.* In the case of those who filled the first posts, large emoluments accumulated by economy, thanks to the simplicity of civic habits, produced fortunes soon invested in landed properties. The inheritance of the nobleman ruined by his extravagances thus passed into the hands of some royal officer enriched by his employment.†

chose qui m'a semblé bien plus selon la dignité de Vostre Majesté et de son estat, que de voir en ce lieu là un tas de maistres des requestes et autres bonnets cornus, qui font une cohüe de vostre conseil, et voudroient volontiers réduire toutes les affaires d'estat et de finance en chiquanerie." (*Mémoires de Sully*, year 1607, collection of Michaud and Poujoulat, t. ii., p. 185.)

* Fra gli uomini di robba lunga, ogn'uno che ha grado di presidente o consegliero o altro simile s'intende nobile e privilegiato, e vien trattato come nobile in vita sua. (*Relations des Ambassadeurs Vénitiens*, t. i., p. 484.)—Le royaume est composé de plusieurs pièces divisées en ecclésiastiques, noblesse, et peuple. . . . Le peuple est divisé en officiers royaux, aucuns qui ont des seigneuries, en artisans et villageois. (*Mémoires de Gaspard de Saulx, seigneur de Tavannes*, collect. Michaud and Poujoulat, p. 233.)

† L'on void tous les jours les officiers et les ministres de la

There were two roads which led to office: one by direct nomination, obtained by merit alone, or backed by favour; and another which was open to the candidates by the venality of offices—an abuse which had passed into custom by the connivance of the kings, but which, in consequence of the conditions of an university degree and a previous examination, did not dispense with all merit. The rich *bourgeoisie* took advantage of this road, while the other was opened, as the prize of hard study, to all the classes, even to the humblest, of the *Tiers Etat*.* A minister from Venice, a shrewd observer, remarks, as a characteristic trait in the families of this last class, the care which the parents took that some one of their sons should receive a literary education, with a view to the numerous employments and the high positions which it procured.† He attributes to this ambition

justice acquérir les héritages et seigneuries des barons et nobles hommes, et yceulx nobles venir à telle pauvreté et nécessité, qu'ils ne peuvent entretenir l'estat de noblesse. (*La Monarchie de France*, by Claude de Seyssel, part ii., chap. xx.)

* Et si peult chascun dudict dernier estat parvenir au second par vertu et diligence, sans autre moyen de grâce ne de privilége. (*La Monarchie de France*, part i., chap. xvii.) The author, setting apart the ecclesiastical order, reckons three estates of the population; namely, the nobility, the middle classes, and the common people.

† Onde restando in mano del populo tutti questi offizii con che si acquista reputazione e richezze, e toccandone sempre due agli uomini di lettere o di robba lunga, quel di gran

the great number of universities which France possessed at that time, and in the university of Paris the great number of students, which amounted to more than fifteen thousand.* Another Venetian ambassador observes that these students are for the most part very poor, and are supported by foundations made in the colleges—a certain proof, as regards the sixteenth century, of that aspiration of the inferior classes towards literature and knowledge, which discovers itself by so many signs in the two following centuries.†

cancelliero, e il maneggio della giustizia che è amplissimo e ha luoghi infiniti, ogni padre cerca di metter qualcuno de suoi figli allo studio per questo effetto. (Michel Suriano, *Relations des Ambassadeurs Venitiens*, t. i., p. 486.)—Jérôme Lippomano, ambassador in 1577, repeats the same thing in the following terms: *Onde li papri di questo ordine hanno questa cura particolare di disciplinare li loro figliuoli nelle lettere, per farli uomini di roba lunga e per abilitarli alle dignità sopradette.* (Ibid, t. ii., p. 500.)

* Che di quà nasce tanto numero di scolari in Francia, che non ne sono altro tanti in alcun altro regno di Cristiani: e Parigi solo n' ha più di quindicimila. (Michel Suriano, ibid, t. i., p. 486.)—The account of Jérôme Lippomano gives a much larger number: *Causa che per il regno si veggano tante università, e quelle tutte così piene di scolari, e specialmente in quella di Parigi, nella quale ve ne sono sempre venticinque o trentamila per ordinario.* (Ibid, t. ii., p. 298.)—In 1560, there were eighteen universities in France. (See the *Histoire de l'Instruction publique en Europe*, by M. Vallet de Viriville, p. 193.)

† Il studio è di forse sedici in vintimila scolari, ma molto miseri per il più; vivendo nelli collegii che sono stati fondati

While the young men of the *Tiers Etat*, who devoted themselves to study, had before them the hope of reaching the highest public employments, the prospect was improving, also, for those who kept to the profession of their fathers—to the trades of the money-changer, the goldsmith, the mercer, the draper, the silk-spinner, or others inferior to these, but not less lucrative. Thanks to the progress of the commercial relations, and to the development, or, to use a better expression, the birth of credit, there was formed in the mercantile *bourgeoisie*, in which it was to take the first rank, a new class—that, namely, which accumulates capitals at once for its own profit and for the service of others, which, by the spirit of economy joined to the spirit of speculation, continually fills up the void caused in the public wealth; on the one hand by the expenses necessary for productive labour, and, on the other, by unproductive undertakings. The system of farming the public funds, imported from Italy into France, and the operations of credit, by means of which the dynasty of Valois supported itself with more or less

a questo. (*Relation de Marino Cavalli, envoyé en* 1546, ibid, t. i., p. 262.)—About 1550 there were seventy colleges in Paris, the greater part specially founded for cities and provinces of France, the names of which they bore. Some, as those of the Germans, the Lombards, the Scotch, of Sweden and Cornwall, were foreign foundations. (See the work already quoted of M. Vallet de Viriville, p. 166.)

success, laid the foundations of the gradually-increasing importance of the capitalists, who were then called financiers.* Intrusted with the duty of collecting the taxes, whether as farmers or managers, bankers of the treasury, and depositories of the receipts obtained by the responsible agents, advancing funds for all the undertakings of war or peace, they obtained an indirect but considerable part in the affairs of State. According to the degree of their wealth and capacity, they were received, sought after, distinguished, even at court. They formed family alliances with the high magistracy, and brought to the *Tiers Etat*, not indeed the virtues of that class, but power, that power which wealth confers.† We can follow, from the middle of the sixteenth century up to the last days of the eighteenth, the progress of their influence vainly opposed, their course strown both with favour and hatred—enormous gains and cruel exactions. Always execrated and always necessary, they were exposed to continual accusations, and

* See the *Recherches sur les Finances de France*, by Forbonnais, t. i., p. 18 and foll.

† Li mercanti, per essere a questi tempi patroni dei danari, sono favoriti e accarezzati, ma non hanno niuna preeminenza di dignità . . . però anco questo ordine d'uomini va col resto del populo minuto e della plebe, e paga la sua gravezza come fanno gli ignobili et li villani. (*Commentaires sur le royaume de France*, by Michel Suriano, *Relations des Ambassadeurs Vénitiens*, t. i., p. 485.)

sometimes to reprisals more monstrous than their avarice and frauds could have been.* The judgment formed of them in general was never perfectly just, because it was mixed with that envy which opulence rapidly acquired excites—because in reckoning the profit of their dealings, of necessity usurious, account was not taken of the risks which they had to run; and in observing the immense and sudden fortunes of some among them, the fall, not less sudden, and the utter ruin of many of them, was forgotten.

* See below, chap. vii., and Forbonnais, *Recherches sur les Finances*, t. i., p. 290 and 339, and the following volumes, *passim*.

# CHAPTER V.

## THE STATES-GENERAL OF 1560 AND OF 1576

Summary: The Reformation in France — Accession of Charles IX.—The Chancellor l'Hôpital—States-General of 1560, Ordinance of Orleans—Assembly of Pontoise—Commencement of the Civil War — Legislative Labours of l'Hôpital, Ordinance of Moulins — Consequences of the Massacre of St. Bartholomew—New Party composed of Protestants and Catholics—Accession of Henry III.; Fifth Edict of Pacification—The League; its Design, its Power—States-General of 1576; Ordinance of Blois—Henry of Bourbon, King of Navarre; Advice addressed by him to the States—Projects and Popularity of the Duke of Guise.

The schism of the Reformation, the greatest convulsion of opinion which ever shook society in France before the revolution of 1789, was not in our case, as in that of the countries of the north, spontaneous, irresistible, connected with national feelings, with ancient dreams of religious independence, or with circumstances whose principle must be retraced far back in the history of the past. The greatest part of Germany and Switzerland, the Scandinavian kingdoms and England, both nations and governments,

had broken off, without a hope of reunion, from the Church of Rome before the middle of the sixteenth century; while in France the need of a reformation in Christian faith, morality, and discipline, although keenly felt by those independent intellects and pious hearts which were influenced by the spirit of the age, was continually encountered by the distrust or hostility of the crown, and did not succeed in gaining over to its cause the mass of the people or any one of the great classes of the nation. Whatever might have been the courage inspired by their convictions, and the merit due to their leaders, the French Protestants "formed," says an eminent historian,* "only a secret and persecuted party till the day when the weakness of the royal authority, exercised by a prince who was a minor, gave to that party the support of the nobility, and allowed it to declare itself, to organise itself, and to act."

To the reign of Francis II., which, correctly speaking, was only a minority, succeeded the reign of another minor, Charles IX. Seventeen months were sufficient for the religious passions, driven to extremity on the one hand by a cruel suppression, encouraged on the other by a connivance unworthy of the Government, to make common cause with the ambitious designs of political parties, and for the country

* M. Mignet. *D. l'Etablissement de la Réforme religieuse et de la Constitution du Calvinisme à Genève*, Notices et Mémoires historiques, t. i., p. 248.

to find itself divided into two factions having princes at their head, and formed, the one of the majority of the nobles, the other of the majority of the people united with the clergy. Between the parties, who, both on the Protestant and Catholic side, were enthusiastic even to fanaticism, and persisted in calling for the civil war, there was one of moderate opinions, who, wishing neither for persecution against the Protestants nor for an appeal to arms in their behalf, endeavoured by their tolerance and their demand of a settlement, to preserve in the kingdom the unity of the Church—the support, as they said, of that of the State. That party representing the good sense of the nation was rooted most deeply among the *bourgeoisie;* it was opposed to schism, but not to liberty of conscience, and it perceived the necessity of important reforms in the habits and government of the French clergy. Such were the feelings and ideas that were observed to prevail in the deliberations of the States-General of 1560, and that mark this assembly with a character peculiar to itself, as it entertained and proposed views upon the rights of the State in the matter of ecclesiastical arrangement, which modern revolutions alone have been able to put into execution.*

* The States, convoked first at Meaux, afterwards at Orleans, were opened on the 13th of December. 393 deputies attended, as follow: 98 from the clergy, 76 from the nobility, and 219 from the *Tiers Etat.* See the list of the last below, Appendix, II.

There was at that time in the council of the young King, as head of the magistracy, a man who was honoured by his own age with admiration and reverence, and whose memory is held glorious by ours, Michel de l'Hôpital, of whom it may be said that he had the genius of a legislator, the mind of a philosopher, and the heart of a citizen. The son of a *bourgeois*, and become Chancellor of France—that is to say, first minister—he maintained in the government the traditional principles of the *Tiers Etat*, an attachment to the maintenance of the unity of the French nation, and to the liberties of the Gallican Church. He was able to induce the queen-mother, Catherine de Medicis, to adopt his policy, the spirit of which required that France should continue, as she was, in the midst of the changes of Europe, and that her individuality should not be absorbed either by the religious revolution of the north, or by the reaction of the south.* He loved the old maxim,

* It occurs to me that, when M. le Cardinal de Lorraine came from the Council of Trent to Fontainebleau, he was very anxious to persuade the King and the Queen to have it published; and this was much debated in the council before their Majesties. The Chancellor spoke boldly and firmly, and entirely opposed it, alleging that it was altogether contrary to the rights and privileges of the Gallican Church, and that it was not right to let them be lost in any way, but to maintain them even to the last drop of French blood. (*Vie de Connétable Anne de Montmorency*, works of Brantôme, t. vii., p. 98.)

*One faith, one law, one king;** but in his view that faith should be tolerant, that law protective, and that king impartial to all. It was the language which he strongly proclaimed at the opening of the states assembled at Orleans; his speech was an appeal to all that was calm, wise, and patriotic in the sentiments of the assembly; he adjured in touching terms the faithful of both parties to recognise their duty as fellow-citizens, and to stop in time on the brink of that fatal precipice, down which a twofold fanaticism was about to precipitate everything.†

The *Tiers Etat*, which the vote by majority had confounded with the two other orders in the States-General of 1484, played a separate and striking part in those of 1560. In political worth, in conceptions as well as in extent, its *cahier* of remonstrances goes beyond those of the nobility and the clergy; in it there appears a profound sentiment of social justice and of the public interest, zeal for order, an instinctive perception of the need of reforms, and practical knowledge in all the subjects of law and administration.

* *Une foi, une loi, un roi.* Address of the Chancellor to the states held at Orleans the 13th of December, 1560. *Des Etats généraux et autres assemblées nationales* (1789), t. x., p. 339.

† "Away with these diabolical terms, nicknames of parties, factions and seditions, Lutherans, Hugonots, Papists; let us not give up the name of Christians." (Address of the Chancellor, *Des Etats généraux*, &c., p. 343.)

It is a kind of new code, containing no less than 354 articles, and drawn up with such precision that it could immediately be passed into law. Among the demands which it contains, the following are of the most striking importance: The election to ecclesiastical dignities by the concurrence of the clergy and a certain number of notables; the appropriation of a certain portion of the ecclesiastical revenues to the establishment of new professorships in the university, and to the erection of a municipal college in each city; the prohibition of priests to accept wills; the reduction of holidays to Sundays and a small number of festivals; the election of the officers of the magistracy by the concurrence of the judicial order, the municipal magistrates, and the crown; the revision of the ancient laws and ordinances, and the consolidation of those which should be maintained; the prosecution of justice against notorious crimes without the necessity of a private prosecutor; the suppression of customs at home, and the adoption of uniform weights and measures throughout the kingdom; the establishment of elective tribunals of commerce and police; laws to forbid the felling of timber of full growth; the seigneur to be restricted in the execution of justice to the advantage of the royal administration; the penalty of forfeiture of seigneurial rights in the case of every noble convicted of exactions towards the inhabitants of his domains; lastly, the meeting of the States-General

once at least every five years, and the immediate choice of a day and a place for their next convocation.*

Although at variance on many points, the three orders were agreed on the question of the public expenses. They declared that they were without powers to vote any new tax, and demanded to be dismissed to their provinces, in order to make known the financial accounts prepared by the King's ministers. Their demand was admitted, and the states were closed the last day of January, 1561. It was ordered that the provincial states should meet on the 20th of the following March; that, after a consultation in their own body and in the electoral assemblies, three deputies—an ecclesiastic, a noble, and a *bourgeois*—should be named for each of the thirteen territorial divisions, which were then called governments, and that the thirty-nine representatives should meet at Melun before the 1st of May. The answer, however, to the remonstrances of the states was not delayed till the concession of the subsidies, and the ordinance which contained it was prepared at Orleans the very day on which the assembly broke up. This legis-

* Cahier of the *Tiers Etat* of 1560. Art. 10, 69, 72, 56, 48, 144, 243, 205, 343, 244, 245, 246, 265, 165, 82, et 353. *Des Etats généraux et autres assemblées nationales*, t. xi., p. 273 and foll.—This *cahier* is divided into five sections, under the following heads: 1. Of the ecclesiastical government; 2. Of the universities; 3. Of the nobility, gendarmery, and royal household; 4. Of justice; 5. Of taxes, imposts, subsidies, merchandise, and other matters.

lative act, the first of those on which the glory of the Chancellor l'Hôpital rests, is merely, correctly speaking, an extract of the provisions made in the *cahier* of the *Tiers Etat*, in which the method of selection is good, but the application of it frequently weak. If this famous ordinance be compared with the collective labour which produced it, it will be found less bold and positive in its proposed reforms; it shows many omissions, and sometimes offers nothing but promises. The only discrepancy worthy of notice between its enacting clause and the text of the *cahier* is the application which it makes of the system of the canvass, as in the case of officers of the judicature, to ecclesiastical elections, in dividing the right of election into two parts—one belonging to the clergy and the people, the other to the crown; it takes a middle course between the concordat of Francis I. and the return to the ancient usage demanded by the *Tiers Etat*.*

* All archbishops and bishops shall henceforth be elected and nominated as soon as the vacancy shall occur; to wit, the archbishops by the bishops of the province and the chapter of the archiepiscopal church; the bishops by the archbishops, bishops of the province, and canons of the episcopal church, summoned together with twelve nobles who shall be elected by the nobility of the diocese, and twelve commoners notables, who shall also be elected in the hôtel de ville of the diocese; all of whom, being convoked on an appointed day by the chapter of the vacant see, and assembled, as has been said, shall agree upon the choice of three persons of the competency

The deputies of the thirteen Governments of France did not assemble till the month of August, and not at Melun, but at Pontoise, where the commissioners of the two lay orders sat by themselves, while the representatives of the clergy were attending at the ecclesiastical synod held at Poissy under the name of a conference (*colloque*). Twenty-six persons, thirteen nobles and thirteen *bourgeois*, thus composed the body which was about to exercise in their full extent the powers of the States-General. There was no disagreement this time between the representatives of the two orders; nobles and commoners both appeared equally imbued with the spirit of innovation, and with a mutual desire to attempt, no longer mere reforms, but the commencement of a revolution. Their *cahiers* expressed their pretensions to a share of the sovereignty, which recalled to mind those of the States-General of 1356, and proposed measures which were destined not to be moved again till the meeting of the National Assembly in 1789. The absolute right of the Government over the property of the clergy was there laid down as a principle,

and qualifications required by the holy decrees and councils, at least thirty years old, whom they shall present to us in order that we may make selection among the three of him whom we may choose to appoint to the vacant archbishopric or bishopric. (*General ordinance made on the complaints, statement of grievances, and remonstrances of the States assembled at Orleans*, Art. 1, *Recueil des anciennes Lois Françaises*, t. xiv., p. 64.)

and served as a foundation for different projects for the extinction of the national debt. Between two plans which were conceived by the thirteen representatives of the commons, the one on which they resolved, and of which they pressed the adoption, consisted in the sale of all the ecclesiastical property for the advantage of the King, while they indemnified the clergy by pensions fixed according to the rank of its members. It was calculated that that sale would produce a hundred and twenty millions of francs, of which forty-eight would be deducted as capital for the new endowment, forty-two applied to the extinction of the national debt, and thirty placed at interest in the cities and ports, in order to encourage commerce in those places, at the same time that they would return a fixed revenue to the treasury.* This plan, which was nothing less than the annihilation of the clergy as a political order, fell to the ground without discussion, in consequence of the offer which was made, and the engagement undertaken by the ecclesiastical deputies themselves, to pay off within ten years the third part of the debt by a voluntary assessment imposed on all the members of their order.

The assembly of Pontoise proposed to reform the

* See, in the *cahier* of the *Tiers Etat* at the meeting at Pontoise, the chapter entitled, *Moyen de subvention pour l'acquict des debtes*, MSS. in the Bibliothèque Impériale, No. 8927, fol., 33 vols.

whole system of administration by reducing the offices of finance, police, and law to mere triennial commissions; it abridged and fixed the term demanded for the periodical convocation of the States-General to two years; lastly, with more decision on the subject of religious toleration than had been shown by the assembly of Orleans, it claimed the full and free exercise of their form of worship for the Protestants. This last demand was met by promises, and soon by acts. There was now seen what had never before been witnessed in France—the State separated from the Church, and a religion considered as heretical opening its places of prayer, under the protection of the law, by the side of the ancient churches.* But nothing was then ripe for such a state of things; the equality of rights could not produce peace between the professors of two creeds who had not yet learnt mutual respect for each other. The work of the philosophic statesman had to encounter spirits divided by uncontrolable passions; and when religious persecution was extinguished by his hand the civil war commenced. To the movement, which agitated and aroused the conscience of the masses in various ways,

* See the edict of the 17th January, 1562 (1561 old style), and the speech of the Chancellor l'Hôpital on the opening of the assembly of St. Germain en Laye. (*Recueil des anciennes Lois Françaises*, t. xiv., p. 124, and *Mémoires de Condé*, t. ii., p. 612.)

was allied the ambitious rivalry of princes and nobles, who renewed, under a king who was a minor, the attempts which they had made a century and a half before, under a king who was incapable. It was a struggle like that between the Burgundians and Armagnacs, but fostered on both sides by the moral interests, by all that is inmost and deepest in the heart—the need of liberty of conscience on the one side, on the other fidelity to the ancient dogmas and attachment to early recollections. Besides, this mixture of pure zeal and egotistical passions served but to render the strife of parties more formidable than in former times, without relieving it of any of its odious horrors—murder and pillage, devastations of our native land, and the appeal to foreign arms.

In the midst of this vast political collision, of which time alone could be the arbiter, and in which all the party leaders were destined to perish one after another by war or assassination, l'Hôpital never relaxed his labours for peace, though it was unattainable; and, without remitting any of his cares for the present, he entertained calm consideration on the future. With his powerful talent for organisation, he resumed all that was excellent in design and counsel in the *cahier* of the *Tiers Etat* of 1560, and made it the substance of a series of royal ordinances, the continuation and completion of that of Orleans.*

* See the edict of November, 1563, which appoints *juges-*

The whole formed in a manner a new stock of civil law, from which subsequent legislation, up to the entire renovation of it in 1789, merely developed its results; and of which many provisions still exist in our present codes.' The most celebrated of these ordinances, the greatest both by its extent and its merit, is the one which bears the name of Moulins, and which was delivered in that city in the month of February, 1566. It recapitulates all the judicial reforms which had been decreed up to that time, while it protects them with more effectual guarantees; its principal object was to simplify the administration of justice, and to advance a step towards the unity of jurisdiction, and also of civil proceedings. It diminished the number of ordinary judges, and restrained the jurisdiction of those who held their office by privilege; in this respect, it did not show greater consideration for the municipal corporations than for the ecclesiastical body; it deprived mayors, échevins, capitouls, consuls, and other magistrates of the same order, of the cognisance of civil causes,

*consuls* at Paris, and the declaration of April 28th, 1565, which institutes the consular jurisdiction in the other cities; the ordinance of January, 1563, on justice and police, and the more comprehensive declaration of August 9th, 1564; the ordinance of February, 1566, upon the reform of justice, and the edict of February 4th, 1567, upon the general police of the kingdom. (*Recueil des anciennes Lois Françaises*, t. xiv., p. 153, 179, 160, 189, and 220.)

leaving them only the control over the criminal jurisdiction, and of the police.* This isolated attack upon a part of the municipal privileges did not perfectly succeed; it was not sufficient for a revolution in the political government of the cities, and it was too much for a reform. The old municipalities, which were prior to every communal charter, protested with success to the Parliament in the name of an immemorial right of usage; and the ordinance of Moulins remained without power in regard to them.†

While this man, great both by his talent and his patriotism, was endeavouring, in the midst of honour-

* In order to give some order to the police of the cities of our kingdom, and provide for the complaints which have been made to us, we have ordained that the mayors, échevins, consuls, capitouls, and administrators of the corporations of the said cities, who have hitherto had, or have at present, the control of causes, civil, criminal, and of the police, shall hereafter only continue to have the control of matters criminal and of the police; wherefore we enjoin that they apply themselves unintermittingly and diligently to these, without power of meddling for the future in the cognisance of civil actions between parties, which we have prohibited and forbidden to them, and we transfer and annex this office to our ordinary judges, or high justiciaries, of cities where there are corporations and communities as above, notwithstanding all privileges, customs, usages, and prescriptions that can be alleged to the contrary. (*Ordonnance de Moulins*, art. 71, ibid, p. 208.)

† See Loiseau, *Traité des Seigneuries*, edition of 1678, p. 101; and Dubos, *Histoire critique de l'établissement de la Monarchie Française*, t. iv., p. 298 and following.

able labours, to console the sadness of his reflections upon the miseries and crimes of his age, the religious struggle which he strove in vain to prevent continued, interrupted by truces which lasted but a short time, while one after another the means of pacification were wasted. The intolerance of the age was always ready to react against reason and justice; and in this clash of irreconcilable opinions, among which Government tried to hold the balance, the opinion of the masses, that which had the majority in its favour, pressed forward more and more, and dragged everything along with it. Royalty, for a moment impartial, settled down again into its traditions of an ancient and exclusive faith; it again became systematically hostile to liberty of conscience, but covertly, not in an open manner, and forwarded by secret practices the undoing of the concessions which it had made. Instead of the rules of equity and humanity which the Chancellor l'Hôpital recommended, the policy which prevailed in the counsels of the crown was that of the *Prince* in Machiavelli, imported from the Italian courts. L'Hôpital ceased to have an influence over those counsels, in which his austere loyalty was a restraint and a reproach; he quitted public life, struck with a deep melancholy, which he never shook off in retirement. He beheld, with a continually-growing sorrow, the course of affairs taking the fatal direction which he had wished to change, and the wound of civil discord envenomed by

a policy of craft and expediency, of treason and of violence. He died of grief, after having witnessed the frightful completion of that policy, the great crime of the age, and of royalty—the massacre of St. Bartholomew.*

The *bourgeoisie* of Paris—the fact must be confessed—was an accomplice of the royal power in that day of execrable memory.† Deceived by the fable of a plot, and led away by fanatical hatred, the municipal body received and accepted the orders which were to insure the cold-blooded massacre, in which thousands of Frenchmen perished, in all the security of peace, by the hands of Frenchmen. We behold here one of the most painful moments of our history; and the king upon whose name the memory of that deed rests heavily—Charles IX.—remains marked for one single act with the stamp of an eternal infamy. And yet that prince, who was misled by the aberration of the age, and by atrocious suggestions to play the part of a traitor and assassin, was gifted with a noble intellect. He had, in the highest degree, a taste for the arts, and all the works of genius. His encouragements and his example contributed to maintain and advance the intellectual revival, the commencement

* L'Hôpital left the ministry in the month of May, 1568; his death took place the 13th of March, 1573. See the complete picture of his life in the beautiful notice of M. Villemain, *Mélanges historiques et littéraires*, t. ii.

† The 24th August, 1572.

of which had thrown so much splendour on the reign of Francis I.

In the midst of civil commotions, and perhaps under their influence, literature became more important; it became a weapon in the strife of parties; it applied itself to great questions of history, of the manners and government of societies. Extensive theories were formed to raise and give new life to the practice of government. Political economy, that civic science which first arose in the cities of Italy, was introduced by an Italian minister, a creature of the queen-mother,* and gave a more rational direction to the regulations made for the management of trades, and the traffic of merchandise. It is from this point that we date the introduction among ourselves of the famous principle of the balance of trade, and the system of protection of the national industry, by the twofold prohibition of the export of materials for manufacture, and the import of manufactured goods.†

* René de Biragues, keeper of the seals in 1571, and Chancellor of France after the death of l'Hôpital till 1578.

† In order that our said subjects may be better able to devote themselves to the manufacture and workmanship of wool, flax, hemp, and *fillaces*, which grow and abound in our said kingdom and country, and to make and derive the profit which the foreigner does, who comes here to purchase them, commonly at a small price, exports them, and has them worked up, and afterwards brings back cloth and linen, which he sells at an excessive price, we have ordained and do ordain that it shall not henceforward be lawful for any of our said subjects, or

There are important lessons to be learnt from political crimes; that of the 24th of August, 1572, speedily falsified the hopes of those who had committed it. The reformation did not perish with the death of its noblest leaders; and the Government, which had hoped to drown in blood the anxieties which were caused by it, still found the same embarrassments in its way, complicated by fresh dangers. Besides those who survived the massacre,* and who had been now made irreconcilable enemies, it had evoked against itself the sympathy felt for the victims, the indignation of mankind, and its own

foreigners, under any pretence whatever, to export from our said kingdom and countries any wool, flax, hemp, and *fillaces*. . . . We also very expressly prohibit any importation into this our said kingdom of cloth, linen, lace, and gold or silver thread, together with all velvets, satins, damask, taffetas, camlet, linen, and all sorts of stuff streaked with, or having upon them gold or silver, and likewise all harness for horses, belts, spurs and gilt spurs, silver or engraved, under penalty of confiscation of the said articles. Moreover, we forbid the import into our said kingdom and country of all sorts of foreign tapestries, of whatever stuff or make they may be, under the same penalties as above. (Edict of January, 1572, on foreign commerce and the police of the kingdom. *Recueil des anciennes Lois Françaises*, t. xiv., p. 241. See, besides, the edicts of the 2nd March, 1571, on the manufacture of cloths; of June, 1572, on the creation of commissioners of commerce; and of the same date upon the regulation of the rate of interest. (Ibid, p. 232 and 252.)

* The frightful scenes of Paris were repeated at Meaux, Orleans, Bourges, Rouen, Angers, Lyons, Toulouse, and in many cities of less importance.

remorse. Those of moderate opinions, who had in vain advised toleration and peace, now rose up and formed in the very heart of Catholic France a party without the spirit of sect, making the third armed party in the country, which received the name of the *political*, and united itself to the Protestants to maintain in their cause that of human rights and justice. The Government, in return for having violated those rights with an odious barbarity, saw itself retaliated upon by the denial of its own proper rights, and a war against a king who had broken faith proclaimed as lawful. At that time the republican doctrines, produced in some minds by the study of antiquity and the spirit of free inquiry, appeared in books where knowledge of history and subtilty of reasoning were mixed with exclamations of hatred and revenge.* Those books, the fruits of Protestant despair and of a general feeling of indignation and disaffection, some of which are still celebrated, were in our country the source of extreme opinions, which, continuing since in more or less activity and power,

* See the *Discours de la Servitude volontaire*, by Etienne de la Boëtie; the work of François Hotman, entitled *Franco-Gallia*; that of Hubert Languet, *Vindiciæ contra Tyrannos, sive de principis in populum populique in principem legitimâ potestate*; the *Apophthegmes, ou discours notables recueillis de divers Auteurs contre la Tyrannie et les Tyrans*; the *Discours des jugements de Dieu contre les Tyrans, recueilli des Histoires sacrées et profanes*; the *Traité du Droit des Magistrats sur leurs Sujets*, &c.

according to times and circumstances, formed and still form one of the categories of the prevailing national opinion.

Less than four years after the bloody stroke of policy of Charles IX., his successor and one of the instigators of his crime, Henry III., was forced to submit to the conditions of peace which were laid down for him by the victorious confederation of the Calvinists and associated Catholics. The fifth edict of pacification, that of May 14th, 1576, surpassed all the others in the extent of the concessions made to the Protestants.* It was enacted by that edict that the exercise of the new form of worship should be free and public throughout the kingdom, except in Paris and at the court; that marriages contracted previously by priests or religious persons should be legal; that tribunals half composed of Protestants and Catholics should be instituted for the decision of cases affecting Calvinists and united Catholics; that all the sentences passed since the reign of Henry II. in respect of religion should be annulled; that those under sentence or proscription should have the benefit of an amnesty; and that an exemption from taxation should be granted as an indemnity to the

* The first edict of pacification was delivered the 19th of March, 1562; the second is of the 23rd March, 1568; the third of the month of August, 1570; the fourth of the month of July, 1573. (See the *Recueil des anciennes Lois Françaises*, t. xiv., p. 135, 226, 229, and 261.)

widows and infants of the victims of the massacre of St. Bartholomew.*

These were noble measures, capable of commencing an era of civil toleration, if they had been taken in good faith, with the intention and power of maintaining them; but the prince who decreed them was neither willing nor able to make his work permanent. With a mind feeble and eccentric, fanatical and hypocritical, he regarded that peace only as a resource of necessity, as a constraint from which he would disembarrass himself when he could find the means. Besides, even if he had been more honest and more firm of purpose, he would have been driven back by unexpected dangers. The peace which he had concluded with one party raised up war with the other; it made him the object of distrust and hatred to the intolerant party of the Catholics. The whole body of that party which had the majority, the influence of old customs, and the popular power on its side, was roused up by a movement of indignation; and from that movement sprang the League, that terrible association, formed to crush everything which would not join its ranks. Its mainspring was the oath of mutual assistance and devotion even to death, a system of terror, and implicit obedience to a supreme chief who was to be elected;† the mere announce-

* Ibid, p. 280 and foll.

† In case there may be hindrance, opposition, or rebellion to the above by anyone or of any party whatever, the said

ment of that future election was a threat to the King. The League, once constituted in one part of the kingdom, and proclaimed by its manifestoes, spread rapidly, aided by the reactionary passions that murmured against the Court; while the Court itself, in its duplicity, was favouring it. It made the first trial of its power in the elections for the States-General convoked at Blois on the 13th of November, 1576, when the Protestants and the *political* party were kept away by all the expedients of fraud and violence.

associates shall be held and obliged to employ all their property and means, and even their own lives, to punish, chastise, and attack those who shall have intended to use constraint and hindrance. . . .

In case any of the associates, their subjects, friends, or confederates, should have been molested, oppressed, and sought after for the cases above mentioned by anyone whoever, the said associates shall be held to employ their bodies, goods, and means to take vengeance on those who shall have caused the said oppressions and molestations, whether by means of justice or by arms, without any exception of persons.

If it should happen that any one of the associates, after having taken the oath of the said association, should wish to withdraw or depart from it, under any pretext whatever (which God forbid), such breakers of their agreements shall be punished in their bodies and goods in every way that can be pointed out, as enemies of God, rebels and disturbers of the public peace. . .

The said associates shall swear ready obedience and duty to the chief who shall be deputed. . . . And those who are defaulters or guilty of delay shall be punished by the authority of the chief and according to his ordinance. . . . (*Acte constitutif de la Ligue:* Palma Cayat, *Chronologie novennaire*, collect. Michaud and Poujoulat, 1st séries, t. xii., p. 13.)

In this manner a convocation of the states, promised by the edict of pacification as its national guarantee, was turned against it, and the greater part of the deputies assembled at Blois brought for their writ of return the pass-word of the League—*One Roman Catholic religion.** The representatives of the nobility, who had appeared so zealous in the cause of liberty of conscience in the states of 1560, now appeared almost unanimous, and not less violent than those of the clergy, in this spirit of reaction. Those of the *Tiers Etat* were also inclined, but with feelings of greater moderation, towards a return to the unity of religious worship; the high *bourgeoisie* had not yielded without hesitation to the current of extreme passions, which was hurrying along the aristocracy and inferior classes associated under the hands of the clergy. The King, on his part, in his communications with the deputies and in the preliminary conferences, announced that he held as void the concessions which he had made, and desired the states to annul them. Distrusting the League, he yet declared himself its head to anticipate the choice of another person; while the small number of the Calvinistic members and their friends retired, protesting beforehand against the resolutions of the assembly.†

* See the collection entitled, *Des Etats généraux et autres assemblées nationales*, t. xiii., p. 97 and foll.

† 104 deputies of the clergy were counted present at the royal sitting, 75 of the nobility, and 150 of the *Tiers Etat*. See the list of these last, below, appendix ii. (at close of vol. ii.)

It was in such a conjuncture of circumstances that the question of toleration was submitted for the second time to the judgment of the States-General. The two first orders voted without debate for the repeal of the edict and the resumption of the civil war. In the third order there was a division: one party, and at their head the deputation of Paris, did not shrink from the war; the other wished that the restoration of Catholic unity should be effected by milder means. One member, who as a constitutional writer was the precursor of Montesquieu, Jean Bodin, deputy of Vermandois, distinguished himself in that dispute by displaying, in the same cause that l'Hôpital had defended, great abilities and a noble courage. As leader of the opposition among the *bourgeois* to the League and the Court, he attempted to resist the Parisian deputies of the *Tiers Etat*, the commissioners of the two other orders, and the commissioners of the King. When he found himself unable to carry his amendment, that the demand of reunion in one form of worship should be followed in the *cahier* of his order by the words "*without war,*" he rendered the war impossible by calling forth through the force of his ability a peremptory refusal of every subsidy.*

* See the Memoir of Bodin on the Estates of 1576, *Des Etats généraux*, etc., t. xiii., p. 212 and foll.—Your very humble subjects, members of the *Tiers Etat*, intreat that your Majesty will be pleased to reduce all your subjects to the unity of the

This assembly, whose labour ended in merely inclosing the question of religion in a circle without issue, had a high notion of the right of the States-General; it professed a kind of constitutional theory on the exercise and division of the sovereignty. According to it, the laws were of two sorts, the laws of the King and the laws of the kingdom, the former made by the Prince alone, the latter by the Prince with the advice of the states—the former capable of modification and revocable at will, the latter inviolable and not admitting of alteration except with the consent of the three orders of the nation.* To the ancient demand of a periodical meeting of the States-General, the assembly of 1576 added the demand that all the provinces of the kingdom should have the right of holding meetings of their own bodies;

catholic, apostolic, and Roman Church, by the best and holiest ways and means that your Majesty shall advise; and in doing this, that the enemies of every other so-called religion be precluded both in public and private. (Cahier of the *Tiers Etat* in 1576, art. xiii., MS. in the Bibliothèque Impériale, S. F. 595, 2, fol. 6, v°.)

* There is a difference between the laws of the King and the laws of the kingdom . . . the latter, inasmuch as they cannot be made except in a general assembly of the whole kingdom, with the common agreement and consent of the members of the three estates . . . since, also, they cannot be changed or innovated upon except with the agreement and common consent of the three estates. (*Instructions des Gens de trois Etats du royaume de France, Mémoires de Nevers*, in fol., t. i., p. 445.)

lastly, it declared itself strongly against the nomination to ecclesiastical dignities without a previous election by the clergy and a portion of the people, and against the venality of judicial appointments.

The *cahier* of the *Tiers Etat*, though as full of various matters as that of 1560,* does not display the same firmness of opinions nor the same precision of style. The reforming spirit does not manifest itself with the same enthusiasm and redundancy. The civil and criminal legislation, the proceedings of law, the public instruction, the finances and commerce, are there treated of; but throughout there is little that is new and original. We find in it scarcely anything but counsels already given, old complaints or the demand of laws promulgated and not put into execution. Three articles are remarkable as a sign of resistance on behalf of municipal privileges to the encroachments of government; they claim, in the name of the corporations of cities, the liberty of meetings, the liberty of elections, and full and entire jurisdiction.† On the other hand, the jealous spirit

* There are 448 articles, arranged under the following heads: 1. Of the state of the Church; 2. Of the universities; 3. Of justice; 4. Of the nobility; 5. Of the finances, taxes, and imposts; 6. Of merchandise and police. (See the MS. of the Bibliothèque Impériale, S. F. 595, 2.)

† That all elections of prévôts des marchands, échevins, capitouls, and governors of cities be made freely and be continued, and those who shall enter on such offices by other ways be removed from them, and their names erased from the

of the ancient magistracy, whether civic or parliamentary, is here observable from the demand made for the suppression of the tribunals of commerce *—a strange request, to which the Government had the wisdom not to listen.

In the midst of the embarrassments of an armed peace, full of disorders, and always liable to be broken, two years elapsed without an answer from the King to the *cahiers* of the States-General. His answer was not given till the month of May, 1579, by the

registers. (Cahier of the *Tiers Etat* de 1576, art. 440, MS. in the Bibliothèque Impériale, S. F. 595, 2, fol. 112ro.)—That it may please you also, according to the ancient custom and liberties, to order that it may be permitted to the mayors and échevins, capitouls, jurats, consuls, and other administrators of the cities, to hold their meetings, public and private, without asking permission for that purpose of your courts of parliament, bailiffs, sénéchaux, and other officers, and without their being held and constrained to summon them there. (Ibid, art. 441.)—The experience of the past has rendered sufficiently understood the disorders which have occurred to the cities from occasion of disobedience to their mayors, échevins, capitouls, jurats, and consuls, from whom the criminal and political jurisdiction, which they before had, may have been taken away. . . . May it please you to order that those who had anciently the jurisdiction both civil, criminal, and political, be re-invested with it, to possess and use it just as they had been accustomed to do before, notwithstanding all edicts, ordinances, and judgments to the contrary. (Ibid, art. 122, fol. 32, v°.)

* And as regards the *prieurs* and *juges-consuls des marchands*, that they may be suppressed from this time . . . and their jurisdiction re-united to the ordinary jurisdictions. (Ibid, art. 118, fol. 31, 1°.)

publication of an edict which was called the ordinance of Blois. This ordinance, the supplement and confirmation of the great laws which had preceded it, and which it resembles in merit,* is a proof of the numberless difficulties which were then preventing progress, though demanded by public reason, and agreed to by the Government, from being realised and becoming a fact. Many of the provisions of the ordinances of Moulins and Orleans are there repeated and prescribed afresh; it is, as it were, at once a last answer to the complaints of the earlier States-General and the sanction of the *cahiers* of 1576. This time, moreover, the most important points of the *cahier* of the *Tiers Etat* are found in the enacting clause of the new law, which frequently is nothing more than a repetition of its text.

The ordinance of Blois, liberal as that of Orleans in all that concerns the civil law, and preserving the same silence upon the demands of political rights, has for its peculiar characteristic the design of suppressing or diminishing in favour of the royal prerogative the inconveniences which, on certain points, the preceding ordinances imposed upon it. In the case of nominations to ecclesiastical dignities, it rejected the open election without admitting the presentation of candidates, and maintained the absolute right of the

* It has 363 articles, of which 220 treat of the administration of justice, 21 of the universities, and the rest of the ecclesiastic order, the nobility, the army, the finances, and police.

king, according to the concordat of 1516. In the case of judicial nominations, for the presentation of three persons by the body of the judicature—a system valued by the *Tiers Etat,* and passed into a law, although frequently evaded—it substituted a new one, which gave the choice to the crown from the lists of eligible persons to be prepared in each department, and renewed every three years.*

In the year 1576, and at the sitting of the states at Blois, appear the first political acts of a prince at that time leader of a party, and one day destined to rally the parties which were dividing France—Henry of Bourbon, King of Navarre, who was next heir to the throne on the extinction of the dynasty of Valois. Born a Calvinist, forced, without much resistance, however, to become a Catholic in the reign of Charles IX., then having escaped from the court under Henry III. and turned Calvinist again, he had been tossed about by the storms of civil war and religious dissensions both in regard to life and conscience. The chances of fortune and his own changes had early taught him a lesson of judgment and tolerance. A nature sympathetic, generous, open to soft impressions as well as to all the noble feelings, raised him, even during the struggle, above

* See the ordinance of Blois, art. 1, 2, 102, and 103, and compare these articles with articles 1 and 39 of the ordinances of Orleans, *Recueil des anciennes Lois Françaises,* t. XIV., p 380 and foll., and p. 63 and foll.

the spirit of sect and party; and, perhaps also, his extreme laxity of morals, the weak point of his character, and a certain lukewarmness in religion, concurred with the high qualities of the man and the patriot, to make him, when the time arrived, the instrument of the national pacification and reconciliation. The spirit of him who was to be Henry IV. was completely and for the first time made manifest in an answer to the vote of the States-General for the reunion of the nation in one form of worship*—an answer given under form of note, in which are found the following passages, which display an admirable refinement of good sense:—

"The King of Navarre commends the states for the zeal which they entertain for the welfare and repose of this kingdom. He fears, however, that the demand which they have made to the King, not to tolerate in this kingdom the exercise of any religion except the Roman, may not be the way of attaining that repose which is so much desired, nor of appeasing the troubles, which will be so much worse than the

* When the majority of the assembly had resolved that the King should be petitioned to make all the French return to the Catholic religion, it was startled at the retirement of the dissenters, and had an embassy sent to negotiate with them in their places of security beyond the Loire. The envoys found the King of Navarre at Guienne at the head of the Protestants in arms. "He took all in good part," says the deputy Bodin, in his memoir, "and wept, when he heard the Archbishop of Vienne recount the calamities of the war."

preceding ones, that there will be no means of pacifying them when both parties at length may really wish it. . . . Therefore, the said King of Navarre begs the said assembly again and again in the name of God, and by the duty which binds them to consult the benefit of their king and country, to be ready to think again and again of this, as being the most eventful subject, and one of the greatest importance, that has ever yet called for deliberation in France. He prays them to consider not merely what they desire, but what this poor kingdom can bear, and that it may act like the sick man desirous of health, who does not take what he finds agreeable and to his taste, but frequently what is very unpleasant and bitter, as most suitable to his malady. That if it gives offence to the Catholics, who enjoy their religion without any trouble from others, to see those of the said religion, whom they now wish to deprive of it entirely, after having so many times accorded it to them, and so long permitted, he desires the states carefully to consider that it has been vainly attempted to drive it out of this kingdom and the kingdoms of England, Hungary, Bohemia, Denmark, Scotland, Sweden, Switzerland, and Germany, where it has obtained footing, . . . and, therefore, the said King of Navarre again begs the said assembly for the third time to think well upon it, and take the subject into fresh consideration."*

* Extract from the Memoirs of Bodin, *Recueil des Etats généraux*, etc., t. xiii , p. 287 and foll

This appeal of reason and patriotism was not attended to: the states separated without revising their vote; but from want of means for offensive war, this vote remained as a simple resolution, and a new truce, not less broken by disturbances, although longer than the preceding ones, was effected by fresh negotiations.* It lasted, however, to 1584, when an unforeseen occurrence, the death of the King's only brother,† gave to the head of the house of Bourbon, the leader of the Protestants, the rights of first prince of the blood and the next heir to the crown.‡ This was the signal of a violent crisis to the parties of the State and to royalty. The prospect of a Hugonot succeeding to the throne, doubtful as it was from the youth of the King, made a shudder of horror thrill through the Catholic population. It was no longer the question, it was said, with a terror sincere or pretended, to ascertain what degree of toleration should be shown to the new religion, but whether they would see it seated on the throne, and as the religion of the State, arming itself with all the royal power against the ancient faith of the country. The League, whose advances hitherto had been limited, now sud-

* See the treaty of Bergerac and the edict of Poitiers, September, 1577; *Recueil des anciennes Lois Françaises*, t. xiv., p. 330 and foll.

† François, Duc d'Anjou.

‡ The Bourbons were descendants of Louis IX., by Robert, Count of Clermont, his youngest son.

denly made immense progress; it penetrated, on this occasion, the upper classes of the *bourgeoisie*, which seemed entirely to adopt its principles.

The ambitious projects of Henry of Lorraine, Duke of Guise, a family which had bound its fortune and given a martyr to the cause of the Catholic party,* are at this period observed in their full extent. He was the soul of the League—elected as its leader and served by it—the person whom it wished to make first the rival, then the master of the King. With ability joined to boldness, he was able to make himself feared without ever betraying himself, and raised himself to a high pitch of popularity; while the weakness and debaucheries of Henry III. rendered that wretched Prince more and more unpopular. The republican doctrines which the indignation produced by the attempt of Charles IX. had excited and propagated among the Calvinistic party then passed into the opposite ranks, in consequence of the contempt into which the present condition of royalty had fallen, and of the apprehensions which the future reign inspired. The sovereignty of the people, and the right of national election, were invoked as safeguards of the orthodox faith against some pretended connivances with heresy, and the accession of a heretical king.

It was this crisis of opinion, when zeal for the

* Francis, Duke of Guise, father of Henry, killed in 1563 by a Hugonot noble.

ancient dogma was impregnated with democratic passions, which opened the road and pointed out the object to the ambition of the Guises.* They aimed at the crown by supporting themselves on the false claims which connected them with the second race, and by propping up their cause more effectively by their patronage of the rights which the social progress had placed for three centuries in rivalry with the crown. They held out promises of the restoration of their privileges to all—to the clergy, the nobility, the provinces, and the cities. The cities, once in the full enjoyment of municipal liberty, which they perceived, not without regret, falling under the levelling influence of the Government, seized eagerly at the hope of recovering their lost privileges, and of re-establishing their mutilated constitutions. They warmly enrolled themselves in the League, of which their militia formed the principal force, and Paris placed herself at the head of the movement. An association of municipal bodies was seen forming itself, as in the days of Etienne Marcel, under the influence and direction of the Parisian democracy; but it was now in a spirit of sect and division, and not for the great interest of the nation—it was for the extermination of a portion of their countrymen, and not for the

* The principal members of this family were the Duc de Guise, his brother the Duc de Mayenne, and the Cardinal de Guise, his eldest son the Prince de Joinville, and his uncles the Ducs d'Aumale and d'Elbeuf.

common safety. In case of victory, the result of this civic and popular insurrection would have become a sort of mutual assurance between the clergy, the nobility, and the communes, against the exercise of the royal power, and the progress towards unity—a system of particular interests, and of a parcelling out of the government, under the high protection of Spain—a power hostile to the greatness and independence of the kingdom.*

* In case the King should die without children . . ., the Catholics, as speedily as they can, shall get the states assembled, to procure the election of a Catholic king, and to order the laws of the kingdom so as to restore all things to the course of the ancient fundamental laws of France. . . . It will be very necessary to give notice to our holy Father the Pope and the Catholic King of all our intentions, in order to warn them, and that his Holiness may aid us with his benedictions, and his Catholic Majesty with his forces and means in behalf of such a sacred cause, which affects them closely; nay, in which they have chief interest and principal means of defence.

The means advised and resolved upon to be taken in this great disorder which threatens on all sides the final ruin of our religion, and the state of this kingdom, is to lay down such good rules of order that we may re-establish this monarchy and all the states of it according to the ancient fundamental laws, without departing from the obedience due from us to the King, so long as he may be a Catholic, and declare himself no abettor of heretics.

First, it is to be provided that as many as possible of the cities and provinces of this kingdom unite together their forces, counsel, and means. . . . (Instructions du Comité Parisien de la Ligue, adressées en 1587 à tous les Comités des bonnes villes; Palma Cayet, Chronologie novennaire, collect. Michaud et Poujoulat, 1ère série, t. xii., p. 34—38.

## CHAPTER VI.

### THE STATES-GENERAL OF 1588; THE TIERS ETAT IN THE REIGN OF HENRY IV.

Summary: Proscription of the Calvinists, Bold Remonstrances of the Parliament—States-General of 1588; Murder of the Guises—Insurrection of Paris, Municipal Confederation against the Crown—Alliance of the Royal and Calvinistic Parties—Assassination of Henry III.; Henry of Bourbon acknowledged as King—States-General of the League—Henry IV. in Paris; his Character—His domestic and foreign Policy—Condition of the common Classes at the close of the Sixteenth Century.

The League had passed from the condition of a secret society for the defence of Catholicism to the condition of a revolutionary party preparing the way, by its denial of the rights of the heir presumptive to the crown, to future attacks upon the King himself. Its first hostile demonstration took place in 1585. An army was collected, and many provinces rose up in the name of the Cardinal of Bourbon, uncle to the King of Navarre, calling himself first prince of the blood, on the ground of his being a

Catholic prince,* and having the Duke of Guise, the real leader of the rebellion, to support him.† Henry III. was called upon respectfully, but under the threatened alternative of war with orthodox France, to put into execution the resolution of the States-General—the reunion of all his subjects in the Roman Catholic form of worship. He yielded, and the treaty concluded with the rebels was accompanied by an edict, which revoked all the edicts of pacification which had hitherto been granted to the Calvinists.‡ The exercise of any form of worship except that of the Catholic religion was prohibited under penalty of death. The ministers of it were to leave the kingdom at the expiration of a month, and the rest of the Protestants at the expiration of six months, under the same penalty. This proscription was still

* The admitted right of succession in the collateral line to the kingdom of France made the nephew take precedence of the uncle, although the latter was a degree nearer of kin.

† See the manifesto entitled, *Declaration des causes qui ont mû Monsieur le Cardinal de Bourbon, et les pairs, princes, seigneurs, villes et communautés Catholiques de ce royaume, de s'opposer à ceux qui par tous moyens s'efforcent de subvertir la religion Catholique et l'Etat.* (*Mémoires de la Ligue*, t. i., p. 56 and following.)—The provinces and cities which rose up were Champagne, Picardy, Normandy, Brittany, and Burgundy, Rheims, Châlons, Soissons, Péronne, Amiens, Abbeville, Mézières, Toul, Verdun, Rouen, Caen, Dijon, Mâcon, Auxerre, Orléans, Bourges, Angers, and Lyons.

‡ Edict of July, 1585. *Recueil des anciennes Lois Françaises*, t. xiv., p. 595; *Mémoires de la Ligue*, t. i., p. 178.

more aggravated, and a new edict imposed by the party of the League reduced the time allowed to Protestants for their abjuration or banishment from six months to fifteen days.* All the property of the recusants, and of everyone who might assist them directly or indirectly, was to be seized and applied to the expenses of the war which the King was about to recommence, with all his forces united to those of the League.

In this manner the longest and most bloody civil war of the century commenced, of which Henry IV. bore the weight during a period of ten years with a constant heroism. It was inaugurated in a manner by a bull of excommunication, which declared that he had forfeited all right to the crown of France, and which annulled in regard to him, for the present and future, all oaths of allegiance and duty.† The ques-

* Declaration of the 16th October, 1585. *Mémoires de la Ligue*, t. i., p. 227.

† The sentence fulminated by Sixtus V. was equally aimed at the Prince of Condé as a heretic, as the son of a heretic, as a convert to Catholicism, as then restored to his religion as King of Navarre.—Itaque, in præcelso hoc solio, et in plenitudine potestatis quam ipse Rex regum et Dominus dominantium licet nobis indignis tribuit, . . . pronuntiamus et declaramus Henricum quondam regem et Henricum Condensem supradictos fuisse et esse hæreticos, in hæreses relapsos et impœnitentes, hæreticorum quoque duces, fautores et defensores manifestos publicos et notorios, sicque læsæ majestatis divinæ reos, . . . et specialiter eosdem fuisse et esse ipso jure privatos, Henricum quondam regem, videlicet prætenso Navarræ regno illiusque

tion of the temporal supremacy of the Pope over the kingdom was mixed up in that armed debate with the question of toleration of a new form of worship; a similar attack was directed against the innate principle of liberty of conscience, and the national principle of the independence of the crown; and the majority in France, through their hatred of the one, seemed ready to sacrifice the other.

But in that general disorder there were still those who had eyes to see into what an abyss they were falling, and consciences to proclaim it. It was the highest class of the *Tiers Etat*, the chief magistracy, which uttered, as a cry of alarm, its proclamation, marked by good sense and patriotism. On the 18th July, 1585, when Henry III. went in person to the Parliament to have his first edict of proscription read and published, the court did not enroll the act in its registers till after strong remonstrances. Three months later, when the second edict arrived, and, together with its promulgation, there was required, by a signal instance of cowardice on the part of the

parte quam adhuc obtinuit, nec non Bearni; alterum vero Henricum Condensem, et utrumque eorumque posteros, omnibus et quibuscumque aliis principatibus, ducatibus, dominiis, civitatibus, et locis, feudisque et bonis etiam emphyteuticis, . . . . ac pariter eos ipso jure privatos et incapaces ac inhabiles ad succedendum in quibuscumque ducatibus, principatibus, dominiis et regnis, ac specialiter in regno Franciæ. (Sixti V. declaratio, &c., Goldasti *Monarchia sancti romani imperii*, t. iii., p. 125.)

King, the enrolment of the bull which declared the legitimate heir to the throne deprived of his rights, the court made fresh remonstrances, more urgent and energetic. "Sire," said the supreme court, in language worthy of the Chancellor l'Hôpital, "the crime that you have wished to punish is connected with the conscience, which is beyond the reach of sword and flame. . . . If the whole party of the Hugonots were reduced to one man, there would not be one of us who would dare to pronounce him guilty of death, until his trial had been conducted in due form, unless he had been fairly arraigned and convicted of some capital and flagitious crime. Who is he, then, that shall dare, without any form of justice whatever, depopulate so many cities, destroy so many provinces, and convert the whole kingdom into a sepulchre? Who shall dare pronounce the word which shall expose to death so many thousands of men, women, and children, without any apparent cause or reason, if no crime but heresy can be imputed to them—heresy, a thing as yet not cognizable in our court, or at least undefined—heresy which they have been able to maintain against the most celebrated theologians of your kingdom—in which they have been born and bred for thirty years past, by the permission of your Majesty and of the late King, your brother?"*

With regard to the bull of the Pope, that sentence of civil death pronounced by the Holy See, in the

* *Mémoires de la Ligue*, t. i., p. 223.

name of a divine right of jurisdiction over all princes,* the Parliament described it with indignation as an attempt upon the sovereignty of the King and the independence of the kingdom. It recalled to the mind of that feeble Prince, Henry III., the example of his predecessors, and the traditional usage of those who were intrusted with the preservation of the laws of the country. "We do not discover," it said, "in our registers, or in any evidence of antiquity, that the princes of France can have ever been subject to the jurisdiction of the Pope, nor that their subjects can have taken cognisance of the religion of their princes."† Not venturing to reproach the King with his cowardice, it blamed itself for its connivance with the error of those who flattered them-

* Ab immensâ æterni regis potentiâ, beato Petro ejusque successoribus tradita auctoritas omnes terrenorum regum et principum supereminet potestates . . . inconcussa profert in omnes judicia, et ne divinæ maximè leges violentur summâ ope providet, et si quos ordinationi Dei resistentes invenit, severiore hos vindiciâ ulciscitur, et quamvis potentiores de solio dejiciens, veluti superbientis Luciferi ministros ad infima terræ deturbatos prosternit. (Sixti V. declaratio, &c. Goldasti, *Monarchia sancti imperii*, t. iii., p. 121.

* *Mémoires de la Ligue*, t. i., p. 225.—The court cannot deliberate longer upon the admission of such a bull, so injurious to all Christendom and to the sovereignty of your crown; judging from this time forward that it deserves no other treatment than that which one of your predecessors made us display towards a similar bull which a predecessor of this Pope had sent to him—namely, to throw it into the fire in the presence of the whole Gallican Church. (Ibid, p. 226.)

selves that they could induce the Protestants to renounce their form of worship, and destroy that party without a great effusion of blood. It declared that it had been sufficiently dishonoured in having been made instrumental in recalling so many edicts, which had been sanctioned by oath in the usual form; that its obedience, in order not to be stultified, should stop there; and it concluded its remonstrance with these strong and noble words, "Grant us this favour, Sire, and take back into your hands the appointments with which it has pleased your Majesty and the kings your predecessors to honour us, that you may be freed from the inconvenient difficulties which we are constrained to raise upon such edicts, and our own consciences discharged from the maledictions which God reserves for evil counsellors and magistrates. . . . It is more expedient that your Majesty should have no court of Parliament than one so useless as we are now become; and it is more honourable also for us to retire into private life, and there bewail the public calamities with the rest of our fellow-citizens, than to degrade the dignity of our offices by making them subservient to the dangerous intentions of the enemies of your crown."*

This warning had no effect on the King or the nation; no one was any longer able to draw back;

* *Mémoires de la Ligue*, t. i., p. 226 and 227. In this passage, and in the preceding quotations, the language of the sixteenth century has been here and there slightly modernised.

some were blinded by fanaticism, others seduced by the promises of ambitious parties, others entangled in the net of an association whose influence prevailed over that of the Government. Twenty-five years of civil war had not sufficed to subdue the violence of excited passions, and to give to all the last lesson, the lesson of necessity. Never had the cause of liberty of conscience appeared so completely lost; it maintained itself only by the heroism with which despair inspired the bands of the Protestants. Their chief, Henry of Navarre, constrained to war at once for his own right and his religion, performed prodigies of valour and talent in that twofold work, which seemed only calculated to lead him into positions of inconsistency. Moderate as well as bold, he had, even after the most complete victory,* the word peace continually on his lips and in his heart; he demanded nothing more than the re-establishment of the old edicts of toleration. The leader of the League, on his side, aided by the popular favour, rapidly pursued the daring plan which he had conceived; to avail himself of the counsels of the King, and to gain possession of his person; to keep him a prisoner by the intervention of the States-General, to be a kind of mayor of the palace, till the time came when he might usurp the throne under cover of the national will. Henry III., kept in check by that turn of

* Battle of Coutras, the 20th of October, 1587.

fortune which was continually increasing against him, had only to hesitate and comply; the sense of the loss of his dignity at times tortured, but never roused him. Incapable of making a noble effort, he gave way time after time,* reserving to himself the

* Our will and intention is to convene the general and free states of the three orders of our said kingdom on the 15th of August next, in our city of Blois, when we expect some of the most notable persons of each province, bailliage, and sénes-chaussée to attend us in full assembly . . . to propose freely . . . what shall be most fit and proper completely to extinguish and abolish the divisions which exist among our subjects, even among the Catholics, and to attain a desirable and secure repose, by which our holy Catholic religion may be so firmly re-established, and all heresies swept and extirpated out of our kingdom, that our subjects may not have any further reason to fear a change so long as we live, or after our decease. (Mandate to the Mayor of Paris, 31st May, 1588; *Recueil des anciennes Lois Françaises*, t. xiv., p. 614.)—And first, we swear and repeat the oath taken by us at our coronation, to live and die in the Catholic, apostolic, and Roman religion; to promote the advancement and preservation of it; to employ in good faith all our forces and means, without sparing our own life, to extirpate from our kingdom, countries, and lands subject to us, all schisms and heresies condemned by the holy councils, and principally by that of Trent, without ever making any peace or truce with the heretics, or any edict in their favour.

Art. II. We desire and ordain that all our subjects, princes, lords, as well ecclesiastics, nobles, inhabitants of the cities and open country, as others of whatever quality or condition they may be, unite and join with us in this cause, and take a similar oath to employ with us all their forces and means, even to their own lives, for the extermination of the said heretics.

last resource of cowards, treachery and assassination. Such are the elements of which one of the greatest dramas of our history is composed, which renders the year 1588 famous, which opens at Paris with the *émeute* of the barricades, and has its *dénouement*, at the second session of the states at Blois, in the murder of the Duke and the Cardinal of Güise.

The convocation of the States-General in 1588 was an act committed by the King against himself. That meeting, taking place at the end of a triumphant insurrection, and representing, not the whole of France, but exclusively the Catholic party, had for its mission and its object the establishment of the predominance of the states over the royal power.* There

Art. III. We also swear and promise not to favour or advance them during our life; we ordain and desire that all our subjects unitedly swear and promise henceforward and for ever, when it shall have pleased God to take us to himself without granting us children, not to receive as king nor render obedience to any king who may be a heretic or an abettor of heretics. (Edict for the renewal of union between the king and the Catholic princes and seigneurs of the kingdom, July, 1588, ibid, p. 616.)

* It was on the 12th of May that the insurrection called *journée des barricades* took place; the ordinance for the convocation of the states was issued the last day of the same month.—Letters were despatched from all parts through the provinces in order that each might be ready to send its deputies there, provided that they were Roman Catholics; for otherwise it was not permitted for any of the (Protestant) religion, or suspected of favouring those of that religion, to attend there. (*Des Etats généraux*, &c. &c.; t. xiv., p. 275.)

are two parts in its history: that which precedes and that which follows the assassination of the Guises, and the arrest of many of the deputies of the three orders.* In the first of these two periods, the states, with the *Tiers Etat* at their head, are seen maintaining against the King a struggle of principles upon the question of the sovereignty; they declare that they intend to proceed by resolution and not by petition; they attribute the title of fundamental laws only to the edicts made with their concurrence. In spite of the caution of their language, and their apparent submission to the ancient monarchical order, they threatened the crown by constituting an entirely new one in its place, by putting it under the permanent protection of the national representation, and by intrusting that protection for the present to the leader of the League. The second period in which the assembly struggles between fear and indignation presents, in the place of that aggressive hostility, only a passive resistance, under which is

The assembly was opened on the 16th October; there were present 505 deputies—to wit, 134 of the clergy, 180 of the nobility, and 191 of the *Tiers Etat.*—See the names of these last in Appendix II.

* La Chapelle-Marteau, president of the *Tiers Etat;* Compans and De Neuilli, deputies of Paris; Leroi, deputy of Amiens; the Count of Brissac, president of the nobility, and the Sieur de Bois-Dauphin. Four deputies of the *Tiers Etat,* and three of the clergy, who were on the list, escaped. (23rd December.)

brooding in the heart of each an impatient desire to be dismissed, in order that they may retire to a place favourable for open rebellion.*

It was the *Tiers Etat* which here played the chief part; it was the prevailing influence of the day; it took the initiative in daring proposals made in regard to the crown, and in the violent ones against the Hugonots. Its *cahier* comprises the following demands:—That the ordinances made at the suggestion of the states be declared unalterable, and need not be verified in the court of Parliament; that, in regard to every other edict, the superior courts have full liberty of remonstrance, and be never compelled to enrol them;† that the Parliaments have no power to verify any edict, unless it shall have been first communicated to the *procureurs-syndics* of the states, and that all the provinces of the kingdom be able to elect *procureurs-syndics* for that purpose; that money be no more raised for any cause or under any form whatever without the consent of the States-General;‡ that the heretics be punished, according to the ordinances of Francis I. and of Henry II.,

* See the journal of Etienne Bernard, deputy of the *Tiers Etat* for Burgundy, *Des Etats généraux*, &c., t. xiv., p. 440 and following. The closing sitting of the states took place on the 16th January, 1589.

† General *cahier* of the *Tiers Etat* (1588), *Recueil des Cahiers généraux des trois Ordres*, t. iii., p. 186.

‡ General *cahier* of the *Tiers Etat*, art. 67 and 223.

and that stringent measures be taken against the abettors of heresy; that the King of Navarre be declared incapable of succeeding to the crown, and that all his possessions be confiscated.*

Among the demands which do not partake of the passions of the moment the following may be observed, repeated, for the most part, from the *cahiers* of 1576 and 1560:—The re-establishment of the ecclesiastical elections, in spite of the concordat of Francis I.; the scrupulous maintenance of election for the offices of the judicature; the enactment of the law against seigneurs guilty of exactions upon the inhabitants of their domains; the restoration of the right of the administration of civil justice to the municipal bodies; the uniformity of weights and measures.† In general, the oppositions of the *Tiers Etat* are not so strongly distinguished as before from those of the two other orders; a parity of feelings and opinions are here observed on many points. Besides, the *cahier* of 1588 does not offer, as regards the law and administration, the same abundance of subjects as the

* May it please your Majesty to declare Henry of Bourbon, King of Navarre, a heretic and a notorious apostate, guilty of high treason against God and man, unfit and incapable of succeeding to the crown of France, deprived of all rights and prerogatives of prince and peer, himself as well as his heirs born or to be born. (Ibid, art. 2.) Ibid, art. 3 and 4.

† General *cahier* of the *Tiers Etat*, art. 14, 77, 193, 195, and 269.

*cahiers* of 1560 and 1576,* whether it were that two meetings of the states, occurring so near together, had left little which was new to be observed and considered, or that the members of the *Tiers Etat*, belonging to the League, had been for that very cause more occupied with the necessity of immediate action than influenced by that spirit of reflection, from which proceeds the work of analysis in matters of legislation.

After the murder of the Duke of Guise, Henry III., liberated, as he supposed, exclaimed, "Now I am King!" He supposed that he had dealt the League its death-blow; he was soon undeceived. While he was wasting his time in making addresses and apologies to the states, the insurrection, excited by his crime, burst out at Paris, and spread from city to city. Whole provinces were soon drawn into this movement; and from Picardy to Brittany, from Brittany to Provence, a municipal confederation was organised against the Crown. The project of a revolutionary government conceived by the committees of the League was being put into execution under the influence of passions kindled to frenzy, and enthusiastic even to self-devotion.† They turned their eyes to the Swiss cantons, and talked of forming

* It contains only 272 articles. The *cahier* of 1560 had 354; and that of 1576, 448.

† See above, Chap. V., 146.

themselves into a republic after their example.* The Parisian democracy became master of the Parliament by a stroke of policy, suppressed the name of the King in the judicial acts, and appointed of its own authority a Lieutenant-General of the kingdom.† Meanwhile, Henry III., instead of acting with energy and despatch, relapsed into his usual softness of life, issued from his palace at Blois useless proclamations and orders which never reached their destination. Surrounded by the insurrection, as by a circle of iron

* M. de Mayenne sets out for Paris, not to contend, but only to accept and give direction to so many people and cities as joined themselves, as if in emulation of one another, to the party of the union: some with strong hopes having imagined that they should live for the future like the Swiss, and be exempt from taxation and from paying their quit-rents and dues to their lords; others from hatred, indignation, and vexation, in consequence of the good opinion which they entertained of the late Duke of Guise, and among these some from their attachment to the Roman Catholic religion. (Palma Cayet, *Chronologie novennaire*, collect. Michaud, t. xii., p. 102.) — If on the other side it is proposed to reduce this kingdom to a republic, knowing that it is impossible to drive out the king and appoint another in his place, I confess that it will be a very easy thing to do, since it is only necessary to refuse obedience to him, and to be governed under the authority of forty counsellors and the mayors and echévins of the cities, without saying any more about the king, and to maintain firm alliance and confederation with one another for mutual support and defence against him. (*Mémoires de Nevers*, t. 1er, p. 919.)

† The title given to the Duke of Mayenne was Lieutenant-General of the King's Government and Crown of France.

which was contracting more and more closely upon him, he found his power at last reduced to the two banks of the Loire, between Tours and Beaugency. At this moment he took a resolution which showed the extremity of his distress; under the name of a truce, he made a treaty of alliance with the prince whom he had disinherited and proscribed, and intrusted the defence of his crown to that religious party whose intended extermination had been his boast.*

Four months after the murder of the leader of the League, Henry of Valois and Henry of Bourbon had an interview, at Plessis-lez-Tours, at which, having been reconciled, they sealed the union of the royal and Calvinistic parties. Their two armies were formed into one, which presently marched towards Paris, where the League was supreme, and from whence it exercised its influence over the provinces. Arrived under the walls of the city, which was struck with dismay at their approach, the King of France encamped at St. Cloud, the King of Navarre at

* The proofs are sufficiently known. . . . With what zeal and firmness I have always proceeded to the extirpation of the heresy and the heretics, how I shall more than ever expose my life, if it be necessary even to certain death, for the defence and protection of our holy Catholic, apostolic, and Roman faith, as the noblest tomb in which I could be buried, in the ruins of heresy. (Speech of the King, 16th October, 1588. *Des Etats généraux*, &c., t. xiv., p. 356.) See the letters of an armistice with the King of Navarre issued at Tours, 26th April, 1589. *Récueil des anciennes Lois Françaises*, t. xiv., p. 645.

Meudon. The preparations for the siege were concluded by the end of July, and the assault was appointed for the 2nd of August; but Henry III. never saw that day. He was stabbed by a young Dominican monk, excited to regicide by his fanaticism as a member of the League, by violent exhortations in the pulpit, by artful contrivances, and the consternation which he perceived prevailing in Paris.* In this way the League repaid to Henry III. crime for crime, and the assassination of the Guises and the murders of St. Bartholomew were avenged by the same blow. That prince, however, died a death which redeemed in some degree the weaknesses of his reign; he did not hesitate at that last moment in his duties as a king and a patriot; his last wish was to lay the foundations of a national reconciliation. He sent for the King of Navarre, and said to him, "My brother, the crown belongs to you when God shall be pleased to remove me." Then addressing himself to the princes and nobles who surrounded his bed, he commanded them to swear obedience and fidelity to his lawful successor, and all took the oath upon their knees.†

It was on the 4th of August, 1589, that Henry of Bourbon, after having signed the promise to maintain

* This event took place in the morning of the 1st of August. The name of the monk was Jacques Clément.

† Palma Cayet, *Chronologie novennaire*, collect. Michaud, t. xii., p. 150.

the Catholic religion without alteration,* was acknowledged king by all the leaders of the royal army; but it was not till the 22nd of March, 1594, that, as conqueror of the League and himself become Catholic, he made his entry into Paris. Four years of contests, a constancy approved in every emergency and an admirable caution, signal victories and a definite agreement,† were necessary, in order that the principle of hereditary right joined to the interests of the national independence, should prevail against the party which maintained the principle of orthodoxy, together with the doctrine of the sovereignty of the people. We all know what were the vicissitudes of that great struggle, which was boldly maintained on both sides in the eyes of public opinion, and of which that opinion was at once the judge and the reward. There is one fact which predominates over the varied circumstances which mark its career—the gradual

* We, Henry, by the grace of God, King of France and Navarre, promise and swear, in good faith, and on the word of a king, by these presents signed by our hand, to all our good and faithful subjects, to maintain and preserve in our kingdom the Catholic, apostolic, and Roman religion in its entirety, without any change or innovation in it, whether in the government and exercise of it, or towards ecclesiastical persons and property. (Declaration and oath of the King on his a cession to the throne; *Recueil des anciennes Lois Françaises*, t. xv., p. 3.

† The battle of Arques, 13th of September, 1589; battle of Ivry, 14th March, 1590; abjuration of the King at St. Denis, the 25th July, 1593.

return of the *bourgeoisie* to the spirit of toleration of 1560 from greater reflection, and from that maturity of judgment which results from experience and misfortune. In proportion as the prince, forced to be the conqueror of his own kingdom, gained one of those glorious victories of humanity as well as of heroism, fanatic zeal lost ground, and, losing its hold upon the middle classes of the kingdom, retired into the inferior classes. It was among them that the dark enthusiasm and energy of the earlier days of the struggle were prolonged; it was they who imposed upon Paris, by a system of compulsion and terror, the practice of that amazing patience with which this great city endured the fatigues and calamities of a siege of four years' continuance; lastly, it was they who, blindly delivered over to the protectorate of the King of Spain, presented the monstrous spectacle of a democratic party which was not a national one.

The League had claimed the power of transferring the royal power, and of making it, at least, for once, elective; it failed in its design, and only succeeded so far as to prevent the hereditary king from reigning, until he became a Catholic. Its last act of authority was to convoke the States-General without the royal mandate. Summoned and adjourned many times since the year 1590, that revolutionary assembly, which called itself national, while it was in reality weighed down by the patronage and ambition of

Spain, at last assembled in Paris on the 28th of January, 1593.* The deputies who attended there in small numbers † found themselves before long in presence of that foreign influence, which, under cover of its interest for the Catholic faith, demanded with arrogance the sacrifice of the fundamental laws and independence of the country. They had to listen successively to three propositions made by the King of Spain: the first, the acknowledgment of the Infanta Isabella his daughter, grand-daughter of Henry II.,‡ as queen by right of birth; the second, that a prince of the imperial blood,§ affianced to the infanta, should be elected king; the third, that the infanta should marry a French prince, and that both should be declared conjointly possessors of the crown.||

In spite of their obligations to Spain and of the need which the Catholic association had of its assistance, the deputies of the League still had the feeling

* See the records of the States-General of 1593, published by M. Auguste Bernard, in the *Collection des Documents inédits sur l'Histoire de France.*

† There were about 130, the greater part belonging to the *Tiers Etat*. Paris alone had twelve representatives of that order. See below, Appendix II.

‡ Isabella-Claire-Eugénie, daughter of Philip XI. by his marriage with Elizabeth of France.

§ The Archduke Ernest of Austria, brother of the Emperor Rodolph II., and nephew of Philip II.

|| *In solidum.* See the reports of the States-General of 1593, p. 242, 252, 287, 555; and in the same collection, Appendix I., the journal of Odet Soret, deputy of the *Tiers Etat* for Normandy.

of Frenchmen, and blushed at such demands. They rejected the two first propositions, and evaded the third, by saying that the hour was not arrived for them to proceed to the election of a king.* They did nothing, and this was their only merit. But the Parliament, or, to speak more correctly, the members of that court, who, from zeal for orthodoxy or fear of the League, had remained in Paris,† dared to do more. Performing an act of sovereignty in the face of the states and in opposition to them, they delivered a sentence which declared void *every act made or to be made for the establishment of a foreign prince or princess*, and protested that they would all die sooner than break or change that decree.‡ A month afterwards, Henry of Bourbon, by abjuring Calvinism in the cathedral of St. Denis, removed the obstacle which the national usages opposed to his being king in fact as well as by right; and the states of the

* Upon the proposition which has been made by M. le duc de Férie and other ministers of his Catholic Majesty to create and establish forthwith a royalty, the said states think that it will not only be ill-timed, but also dangerous both for the interests of religion and the State, to make that election and declaration at a time when we are so ill provided with men and means. (Deliberation of 4th July, *Procès-verbaux des Etats généraux de* 1593, p. 552.)

† A part of the Parliament of Paris was then sitting at Tours, in consequence of an edict for the transference of their court issued by Henry III. in February, 1589.

‡ Deliberation of the Parliament of June 28th, 1593, *Procès-verbaux*, &c., Appendix VIII., p. 740, 748.

League, ceasing of their own accord, soon left all the legal preliminaries available for his occupation of the throne.*

To the policy of a l'Hôpital, Henry IV. joined the force of arms; his victory after thirty-four years of national vacillation, of premature attempts and violent reverses, was the triumph of the principles of the immortal chancellor of Charles IX. The king who delivered conscience from religious oppression, and the country from foreign influence, was one of those great restorers, who appear after great disorders, to raise up the ruins and to give life to the seeds of good which are scattered in their dust. As soon as he had secured peace at home and abroad, twelve years were sufficient for him to obliterate the traces of the civil wars, to renew the face of the country by a constantly-increasing prosperity, and to lay the national policy on new foundations. He had an universal genius, a mind pliable and clear-sighted, prompt resolves, and a firmness not to be shaken in the determinations he had formed. To the wisdom of practical minds, to that instinct which goes directly to the useful and the possible, which seizes or rejects without prejudice and without passion, to a power of command the most absolute, he joined an

* There was no official closing of the states of 1593. The deputies quitted their post one after the other; the reports of the sittings cease: of the clergy, on the 13th July; of the nobles, the 8th of August; and of the *Tiers Etat*, the 22nd of December.

attractiveness of manners and an elegance of conversation which were irresistible. His high virtues, mingled with some unaccountable weaknesses, have made him an unique pattern of a king at once amiable and dignified, deep in mind and light in tastes, full of greatness of soul and foresight, of popular sympathies and pride of race, and at all times and before all other considerations an admirable patriot.

There are three particulars to be observed in the work of the conqueror of the League: firstly, the definitive establishment of the liberty of conscience and of the civil position of the dissenters; secondly, the restoration and advancement of all that constitutes the wealth of a nation; lastly, the conception of a French policy, founded upon the maintenance of nationalities and the balance of the European powers. None of the earlier edicts of toleration had had the character of a permanent law; they were provisionary acts, treaties of peace concluded in the expectation of a reunion of the two forms of worship by a general or national council. But the two forms had never been able to coalesce, or be destroyed by one another; it was necessary that their separation, and, together with it, their respective rights, should be proclaimed and sanctioned by an irrevocable decree. Such was the object of the celebrated edict signed at Nantes on the 13th of April, 1598, to which that city has given its name. Recapitulating the essential and really practicable provisions of previous edicts, it guaranteed, on

the one part, entire liberty of conscience to the individual; on the other, to the religions themselves privileges defined for each of them in proportion to its numbers and its situation in the country.*

By this last arrangement between natural justice and social necessity, the Protestants obtained the distinct right of dwelling in any part of the kingdom without being constrained to do anything contrary to their conscience; the admissibility to all the public employments, with the dispensation of all ceremony and form of oath on their entrance to office which might be contrary to their religion; the right of being tried only at tribunals composed half of Pro-

* Now that God may be pleased to grant us the beginning of a happier season of repose, we have thought that we cannot use it better than by devoting its leisure to that which regards the glory and service of His holy name, and providing that He should be adored and worshipped by all our subjects; and as He has not been pleased to permit that this be still done in one form of religion, that it at least be done in the same spirit, and with such order that there may not be on that account trouble and tumult among them, and that we and this kingdom may be always able to deserve and maintain the glorious title of most Christian. . . . We have now judged it necessary to give to all our said subjects on every point a law general, clear, plain, and absolute, by which they may be governed, on all the differences which have heretofore arisen among them on this point, and may still happen hereafter, and with which both the one and the other may have reason to be satisfied, according as the circumstances of the time may allow. (Preamble of the edict of Nantes, *Recueil des anciennes Lois Françaises*, t. xv., p. 171.)

testants and half of Catholics; the right of publishing books connected with religion, of founding colleges, schools, and hospitals, and, together with this, of being admitted as students into the universities, and the other schools of the kingdom, or, as poor and invalids, into the ancient hospitals. The private exercise of the new form was declared free for each family, but the public exercise of it was only permitted in the places where it had been authorised by the edict of 1577, together with one additional city, or a smaller place in each *bailliage*.* This charter of rights, which had the effect of rendering the State completely distinct and independent of the Church, became, under the son and grandson of Henry IV., the civil law of the two rival forms. It ruled them in peace—if not sincere, at least apparent—till it was broken by an infatuation of royal power, which, bringing back, after ninety-one years of toleration, the fanaticism and the proscriptions of the sixteenth century, disgraced one of the greatest reigns in our history with an indelible stain.†

With the exception of the edict of Nantes, and a remarkable law against duelling,‡ the whole legislation

* Edict of Nantes, art. 6, 7, 8, 9, 10, 11, 21, 22, 24, 27, 30, 31, 32, 33, 34, 35, 36, 43, 64, 66, and 67.

† Revocation of the Edict of Nantes by the ordinance of Louis XIV., on the 17th October, 1685. See below, Chap. IX.

‡ Edict of June, 1609. *Recueil des anciennes Lois Françaises*, t. xv., p. 351.

of Henry IV. proceeds upon subjects of public economy; and, in this respect, his interest in the general welfare, his knowledge of the circumstances conducive to the national prosperity, his creative genius, and the activity of his mind, are displayed in a remarkable manner. We know well the name which history associates with his in a common glory—the glory of having revived and developed, with an energy unexampled at that time, the productive powers of France. Maximilien de Bethune, Marquis of Rosny, Duke of Sully, appointed superintendent of finances in 1596,* was the agent who, in that undertaking, in which the obstacles were innumerable, devoted to the execution of the King's views a bold resolution, and a perseverance which was equal to every emergency. As first minister in reality, if not in name, he introduced reform and energy into all branches of the government. He not only raised the finances from the low state to which they had been reduced by the enormous deficiency of the last reign,† increased by five years of anarchy, and the pecuniary compromises by means of which the submission of the chiefs of the League had been obtained—he not only replenished the empty treasury, but, going back to the sources of

* He replaced the eight controllers-general of the finances, and was named successively high surveyor of France, master of the artillery, and superintendent of buildings and fortifications.

† See, on the state of the finances in 1576 and in 1588, *Histoire de France de M. Henri Martin*, t. x., p. 541, and t. xi., p. 137.

public wealth, he increased and multiplied them. Agriculture, encouraged with a zeal which gained over the nobility itself to its cause, rose to a height till then unknown; all the departments in the regulation of the soil, the waters and forests, the clearance of waste lands, the drainage of marshes, were the object of measures which called forth great private undertakings, by the force of imitation. The protection of Government was extended to all kinds of manufactures, and the cultivation of silk was spread through the whole kingdom. At the same time considerable sums were expended on roads, bridges, embankments, and the formation of navigable canals; and the design of making a communication between the two seas which wash the coasts of France was matured in the conversations of the great king and the great minister.*

* The project of uniting the Seine to the Loire, and the Loire to the Saône, was partly executed by the opening of the canal of Briare; a second project of joining the Aude to the Garonne remained unexecuted.—See the ordinance of May, 1597, upon waters and forests, the keeping up of public roads and rivers, &c.; the edicts of April, 1599, and January, 1607, for the drainage of marshes; the edict of May, 1599, which creates an office of a grand surveyor of roads in France; the letters of August, 1597, establishing a manufactory of crystal glass at Melun; the edict of August, 1603, for the establishment of a manufactory of cloth, and cloth of gold, silver, and silk, at Paris; the declaration of the 16th November, 1605, for the formation of a nursery of white mulberry-trees in all the dioceses; and the edict of January, 1607, which established

While we admire the spirit of order, advancement, and progress which characterises the internal government of Henry IV., we should, perhaps, feel a still greater degree of admiration for his plans of foreign policy. He undertook to preserve France from the continual danger with which she was threatened by the preponderance of the house of Austria, and at the same time gave to France herself a preponderating position by reconstituting Europe on a new principle, that of the independence and equality of states. The system of the balance of power, realised half a century later by the treaty of Westphalia, was a creation of his mind; he first conceived it under ideal forms, which became his passion, but which his practical wisdom made him regard as secondary and dependent on that which might be possible or advantageous in its execution.* Death surprised him at the very instant when he was about to start on the commencement of that colossal war whose success was intended to level the ground on which he expected to

manufactories of tapestry in many cities of the kingdom. *Recueil des anciennes Lois Françaises*, t. xv., p. 141, 212, 213, 222, 164, 283, 291, and 322. An Assembly of Commerce, a kind of states-general of industry, was convened at Paris in 1604. See *Archives curieuses de l'Histoire de France*, t. xiv., p. 219 and following.

* See, in the *Economies royales* of Sully, the project for the formation of a Christian republic, t. i., p. 243, 353, 437; t. ii., p. 150, 212, 220, 323, 339, and 418. Collect. Michaud, 1re série, t. xiv. et xv.

build. The crime of a fanatic buried in the tomb of the king, who thus became the martyr of liberty of conscience, all those vast designs which, though still secret, and only guessed at from the greatness of their preparations, were holding the public mind in suspense from one end of Europe to the other, and filling the imagination with a mysterious expectation. When we reach this melancholy page of our history, when we read over again the sudden and violent termination of such a noble life and great career, it is impossible not to pause with emotion, not to feel, at the distance of more than two centuries, something of the anguish of his contemporaries, who saw France suddenly fall by the death of one man from order into anarchy, from political energy into a state of depression, from freedom of action into the slavery which a foreign influence brings upon government.

The reign of Henry IV. is one of those decisive epochs in which many events are brought to a close, and many take their commencement. Placed on the common boundary of two important centuries, it collected all the fruits of the social efforts and experiences of the one, and threw into their mould all the institutions which the other was destined to perfectionise.* Royalty, disengaged from the inconsistencies in which

* See *La Monographie politique de Henri IV.*, by M de Carné, *Etudes sur les Fondateurs de l'Unité nationale en France*, t. i., p. 1, &c.

its position had been involved during the Middle Ages, then showed itself distinctly under its modern form, that of an administrative sovereignty; absolute in right and reality up to 1789, and, afterwards, subordinated to, or associated with the national sovereignty. The ministerial departments were then regulated in a reasonable manner, and their jurisdictions extended to all that the wants of a society, really civilized, required. Then, lastly, the progress of the nation towards unity was accelerated by a more general concentration of power, and the progress towards civil equality by the depression of the high aristocratic classes of the court, and by the simultaneous elevation of the different classes of the *Tiers Etat*.

Three causes concurred in diminishing, in favour of the high *bourgeoisie*, the interval which separated them from the nobility: the possession of public offices, and especially of judicial appointments, held by the same families, and become a kind of patrimony by the right of resignation in favour of another of the same family;* their devotion to important

* The holder of an office in the magistracy or finance could resign it to a person of his own family or to any other person qualified to fill it. It was necessary that the resignation should have taken place at least forty days before the death of the person in possession, without which it was null, and the appointment returned into the hands of the King. Henry IV. exempted all the officers from this disadvantage; he conceded to them the hereditary property of their appointments, in consideration of an annual acknowledgment equivalent to a sixtieth part of the value of each office.

manufactures and undertakings, which created enormous fortunes; and that influence of mind which the revival of literature had established to the advantage of active minds. The whole body of the urban population, moreover, had been deeply agitated by the ideas and the troubles of the century; men of every rank and profession had been brought nearer to one another in the fraternity of one common faith, and of one common party. The League, above all, had closely united the artisan and the magistrate, the tradesman and the lord, and thrown them together in its deliberations; when the union was dissolved and its cabals broken up, there still remained something of its influence in the minds of those who returned again to the life of the workshop or manufactory—a sentiment of personal power and self-respect which they transmitted to their children.

With regard to the rural population, it appeared in the sixteenth century to be generally enfranchised from the barbarous and humiliating condition of serfdom; its liabilities to the proprietors of the soil were more and more fixed and modified, and from the end of the fifteenth century its admission to a share of political rights had signally marked the progress which had been effected in its civil condition. From that time, at each convocation of the States-General, there were in effect primary meetings, composed of the inhabitants of all the parishes, and concurring by their delegates in the formation of the *cahiers*, and in the

election of deputies of the *Tiers Etat*. The delegates of each parish prepared the *cahier* of its grievances, and conveyed it to the chief place of the *bailliage* of the district; there, associated with the delegates of the chief place, they elected persons intrusted with the charge of consolidating in one single *cahier* the grievances of the parishes, and of conveying them to the city, the seat of the superior *bailliage*, where fresh delegates, elected in the same manner, and associated with the representatives of the city, drew up the provincial *cahier* of the plebeian order by a new compilation, and appointed its representatives to the States-General.* This innovation, which dates from the assembly of 1484, henceforth formed all the classes of the *Tiers Etat* into one single political body, and put an end to the necessity of the protection which the deputies of the great cities had, up to this time, exercised in favour of the people of the open country.† The latter found themselves in possession of the right of speaking in their own behalf; and it is from them that the remonstrances which concern them in the *cahiers* of 1484, 1560, 1576, and 1588, directly proceeded.‡

To return to the *bourgeoisie*, the soul of the *Tiers*

* See *Hist. des Etats généraux*, by M. Thibeaudeau, t. i., p. 282, and t. ii., p. 14 and following.

† See above, Chap. II., p. 46, and Chapter III., p. 77.

‡ There will be found below, Appendix III., a *cahier* of a village prepared in 1576.

*Etat*, its condition after the fourteenth century presents to the observer the singularity of two opposite movements; one of progress, the other of decline. While magisterial and administrative employments, commerce, industry, science, literature, arts, the liberal and lucrative professions, were raising it in consideration, and creating for it important positions under a thousand forms, municipal freedom, which had originally formed its power and glory, was rapidly declining. The legislation of the fifteenth century had deprived the magistrates of the cities of their military authority; that of the sixteenth deprived them of their civil jurisdiction, restricted their criminal jurisdiction, and subjected their financial administration to a control which became more and more stringent. The privilege of a free and quasi-sovereign community, which had protected the revival and first developments of civil order, was treated in the same manner as the feudal privileges, and, like them, was levelled under the royal power, every encroachment of which, at that time, was a step towards national civilization and unity. But while the losses of the nobility were irreparable, those of the *bourgeoisie* were so only in appearance; if the beaten road was closed to them, new and broader ways were immediately opened. The continued elevation of the *Tiers Etat* is the predominant fact and the law of our history. This law of Providence has been accomplished more than once without the knowledge of

those who were the agents of it, without the knowledge and even with the regrets of those who would naturally reap its fruits. The one party intended to work for themselves alone; the other, clinging to the remembrance of guarantees destroyed or evaded by the Government, believed that they were falling back, while they were continually advancing. In this way the *Tiers Etat* advanced, from the time of its accession to a share of power, up to the concluding years of the eighteenth century; then came a day when it might be said that it was nothing in the political state;* and on the morrow of that day, its representatives in the States-General, declaring themselves invested with the national sovereignty, abolished the system of the orders, and founded in France social unity, civil equality, and constitutional liberty.

* See the celebrated pamphlet of Sieyès: *Qu'est ce que le Tiers Etat.*

## CHAPTER VII.

### THE STATES-GENERAL OF 1614.

Summary: Inheritance of Offices—It is a means of Power for the *Tiers Etat*—States-General of 1614—Mutual Jealousies and Differences between the Orders—The Nobility and Clergy united against the *Tiers Etat*—Speeches of Savaron and De Mesmes, Prolocutors of the *Tiers Etat*—Speech of the Baron de Senecey, Prolocutor of the Nobility—Motion of the *Tiers Etat* upon the Independence of the Crown—Demands which it expresses in its *Cahier*—*Cahier* of the Nobility—Bitter Rivalry between the two Orders—Closing of the States.

Among the fiscal measures which were suggested to the Government of Henry IV. by an imperious necessity is one which, both at the time and subsequently, produced serious consequences—I mean the annual payment imposed on all the offices of the judicature and exchequer, and commonly called the *paulette*.* By means of this tax, the magistrates

* From the name of the Commissioner Paulet, who farmed the collection of it: this payment was a sixtieth part of the revenue at which the office was valued. See above, Chap. VI., p. 211, note 1.

of the supreme courts, and the royal officers of every rank, enjoyed the possession of their places as hereditary property. The first result of this innovation was to raise the saleable value of the offices to an amount unknown till then; the second was to invest the civil functionaries with a new degree of consideration, that which is attached to advantages of an hereditary nature. Within less than ten years the passions and interests of classes were awakened and brought into collision by the effects of this simple financial expedient. The nobles—many of whom were poor, and many trammelled with entails—were deprived of all chance of their offices by their high price; and this took place at the very moment when, becoming more enlightened, they understood the error which their ancestors had committed, in excluding themselves from these offices through their aversion to study, and in abandoning them to the *Tiers Etat.* Thence new causes of jealousy and rivalry arose between these two orders: the one was irritated at seeing the other aggrandized in an unexpected manner by the appointments which it now felt regret at having formerly despised; the other, from the hereditary right which raised professional families to the level of military, began to imbibe the spirit of independence and pride, and the high opinion of self, which were before the attribute of those of noble birth.

However remarkable the progress of the middle classes had been during the course of the sixteenth

century, it had been effected without a contest of interest and *amour propre* between the nobility and the commonalty; the great religious struggle subdued and weakened all the rivalries of society. No malignant proceeding between the two orders appeared in the States-General of 1576 and 1588. But after the passions, excited by the twofold faith and worship, had been tranquillised, other passions, remaining dormant for a while in the depth of the heart, were re-awakened; and thus, by the force of circumstances, the first quarter of the seventeenth century, together with recent grievances, was marked out for the gathering up and manifestation of all the antipathy which had for a long time been treasured up between the second and the third orders. This collision took place in 1614, in the body of the states, which were convened, on the majority of Louis XIII., to seek a remedy for all the ruinous waste and anarchy which had been caused by the regency during the four years which had elapsed since the last reign.*

It was on the 14th October that the assembly met in three separate chambers in the convent of the Augustins in Paris; it numbered four hundred and sixty-four deputies, of whom one hundred and forty

* See the report of my brother, Amédée Thierry, on the competition for the historical prize decreed in 1844 by the Academy of Moral and Political Science, *Mémoires de l'Académie*, t. v., p. 826.

belonged to the clergy, one hundred and thirty-two to the nobility, and one hundred and ninety-two to the *Tiers Etat*. Among these last the members of the judicial body and the other officers of the Crown were superior both in number and influence.* From the opening of the session signs of jealousy and opposition could be observed between the two lay orders; the *Tiers Etat* felt offended for the first time by some differences of ceremony shown towards them.† The prolocutor of the nobility exclaimed in his address: "This nobility, so much depressed at present by some of the inferior order under the pretext of certain accusations, shall resume its former splendour; they shall see by and by the difference which there is between them and us."‡ The same affectation of pride on the one side, the same susceptibility on the other, marked almost all the communications of the chamber of the nobles with that of the commons.

When the adoption of a rule for the order of their proceedings was considered, the clergy and the nobles agreed on the subject; but the *Tiers Etat*, from dis-

* See the list given below, Appendix II.

† "I remarked that my lord the chancellor, when addressing his speech to the clergy and nobility, took his hat off and bowed, which he did not do when he addressed the *Tiers Etat*." (*Relation des Etats généraux de* 1614, by Florimond Rapine, deputy of the *Tiers Etat* of Nivernais, *Des Etats généraux*, &c., t. xvi., p. 102.)

‡ *Mercure François*, 3e continuation, t. iii., année 1614, p. 32.

trust of everything that proceeded from them, stood aloof, and so caused their plan, although a good one, to fall to the ground. A short time afterwards the nobility attempted an attack upon the upper class of the *bourgeoisie;* it determined to petition the King for the suspension, and, by consequence, the suppression of the annual payment for offices, of which the lease was about to terminate, and it obtained the assent of the clergy to that request. The proposal of the two orders was addressed to the *Tiers Etat,* which was thus reduced to the alternative of either joining them, and thus delivering up the chief of its members to the jealousy of their rivals, or, by refusing its adhesion, of incurring the odium of defending through self-interest a privilege which offended public opinion, and added a new abuse to that of the venality of office.

The *Tiers Etat* gave a proof of self-denial. It agreed, contrary to its own interest, to the requisition for the suspension of the tax by means of which offices were made hereditary; and, in order that that requisition should have its full logical result, it followed it up by one for the abolition of the venality itself.*

* "In what high estimation will our provinces hold us, when they shall hear that we have despised our own peculiar interest with a noble courage, requesting that the offices which we possess hereditarily be devoted to the public, to the most capable and worthy, and not reserved for those who have the largest means, riches, and influence! . . . Next we shall constrain our detractors to have a confidence which they have not yet had in

But it exacted from the two other orders sacrifice for sacrifice, and required them to join with it in soliciting the discontinuance of pensions, the number of which had doubled in less than four years,* and the reduction of taxes, which were overwhelming the people. Its answer presented the three following propositions in connexion; to petition the King, first, to remit a quarter of the taxes for the current year; secondly, to suspend the collection of the annual payment, and to order that offices be no longer venal; thirdly, to withhold the payment of all the pensions assigned upon the treasury or the royal domains. The nobility, who held the court pensions as a supplement to their patrimonies, were thus retaliated upon; but far from imitating the generosity of their opponents, they required that the propositions should be taken separately, that the annual payment should be considered by itself, and the questions of the pensions and the taxes should be referred to the debates on the *cahiers*.

us—those who have considered us to be opposed entirely to the repeal of the unjust measure of the *paulette*. As the greater part of this assembly possesses the most exalted and honourable officers of the kingdom, so much the more ought we to lend our aid, for the sake of the liberty and integrity of the states, and the obligation of our consciences, towards the abolition of this payment, which foments ignorance, and closes the door to virtue and learning." (Discours du Lieutenant-General de Saintes, *Relation des Etats de* 1614, by Florimond Rapine, p. 167.)

* Since the death of Henry IV.

The clergy made the same demand, involved in guarded and captious expressions, which had no more success with the *Tiers Etat* than the selfish candour of the nobles.* When they had considered the subject again, the chamber of the *Tiers Etat* decided that it would not separate its propositions, and this refusal was communicated by one of its most influential members, Jean Savaron, Lieutenant-General of the *Sénéchaussée* of Auvergne.

This member, a man of extensive knowledge and energetic character, spoke twice before the clergy, and concluded his second address in the following manner:—"When you aim at the extinction of the annual payment, do you not choose to perceive that your real intention is merely to attack the officers who hold the offices of the kingdom, passing over what you ought to demand with the greatest earnestness—namely, the abolition of the pensions, which involve many more important consequences than the annual payment? You are anxious to deprive the royal treasury

* "However specious might be his words (of the Archbishop of Aix), yet he could never induce our body to give up its determination of putting our demands in the said propositions connectedly, because it was clearly seen that there was trickery, and that the clergy and nobility were on an understanding to effect the ruin of the officers, and the continuation of the taxation and oppression of the poor people, and did not intend that the suppression of their pensions should be demanded, so much did they make their interests their first consideration.' (*Relation de Florimond Rapine*, p. 182.)

of sixteen hundred thousand francs, which is annually paid into it from the *paulette*, and you are ready to burden the State with five millions, which the King has to pay every year, in order to purchase with a bribe the services of his own subjects! What advantage, what benefit, can the abolition of the *paulette* produce for the kingdom if you maintain the venality of offices, which alone causes the irregularity in the administration of justice? . . . It is, gentlemen, this accursed root which must be grubbed up—it is this monster which must be coped with, this venality of offices, which deprives and repels persons of merit and knowledge from holding them, while it favours the advancement of those who introduce themselves, very frequently without any qualification, on the stage and tribunal of justice by the profusion of an immoderate price; which deprives those whom God has placed in honourable but moderate circumstances even of the hope itself of ever attaining them. It is for this reason, gentlemen, that we respectfully beg you not to refuse us the co-operation of your order for purposes of such a sacred nature. It is for the people that we are labouring, it is for the interest of the King that we appear, it is against our own individual interests that we are struggling."*

Before the nobles, Savaron expressed himself in a loud and proud tone, and his arguments were marked

* *Relation de Florimond Rapine*, p. 192.

with irony and menace. He said that it was not the annual payment which closed the approach to office to those of noble birth, but their want of aptitude for them, and the venality of the appointments; that, moreover, the suspension of the *paulette*, the reduction of taxes, and the suppression of pensions could not be separated; that the abuse of pensions was become such that the King no longer found servants except by making pensioners of them—a state of things which was tending to ruin the treasury, to oppress and crush the people;* and he added, in conclusion, "Resume, gentlemen, the virtues of your predecessors, and the ways to honours and appointments will be open to you. History informs us that the Romans imposed such burdens upon the French,† that they at last shook off their obedience, and by so doing laid the first foundations of the monarchy. The people are now so burthened with taxes, that it is to be feared that a similar event may take place. God grant that I may be a false prophet!"‡

The nobles only replied with murmurs and invectives to the prolocutor of the *Tiers Etat*; the clergy had praised his message, while they refused him all co-

* *Relation de Florimond Rapine*, p. 179.

† That is, the Franks; the careful distinction of these two names is a precaution of modern science.

‡ *Procès-verbal et Cahier de la Noblesse des Etats de l'an* 1615, MS. de la Bibliothèque impériale, fonds de Brienne, No. 283, fol. 52, &c.

operation: left alone to maintain its propositions, the *Tiers Etat* determined to present them to the King. It made them the first article of a memorial which contained demands for reform upon other points, and sent it to the Louvre with a deputation of a dozen members, and Savaron was once more intrusted with the office of prolocutor. The man who had given lessons of justice and prudence to the privileged orders, now appeared in the presence of royalty as the warm and bold advocate of the poor. "What should you say, Sire, if you had seen in your countries of Guyenne and Auvergne, men feeding, like beasts, upon grass? Would not this new misery, unheard of in your state, excite in your royal breast a desire worthy of your Majesty to render assistance in such a great calamity? And yet the truth of this is so certain that I engage to confiscate my property and my appointments to your Majesty, if I am convicted of a falsehood."*

From this point Savaron went on to demand, together with the reduction of the taxes, the abolition of all the abuses denounced in the memorial of the *Tiers Etat,* and to treat afresh, with a sarcastic freedom, the points from which the disagreement between the *Tiers Etat* and the two other orders had sprung: "Your servants, Sire, while seconding the proposal of the clergy and the nobles, were disposed to solicit your Majesty to suspend the annual pay-

* *Relation de Florimond Rapine,* p. 198.

ment, which has rendered the price of the offices of your kingdom so excessive, as to make them almost inaccessible to all but those who happen to possess the greatest property and wealth, and very often the least merit, qualification, and capability; a consideration, it must be admitted, very plausible, but which seems to be devised in order to strike a blow at your servants in particular, and not with the design of securing the benefit of your kingdom. For to what purpose is it to ask for the abolition of the *paulette,* if your Majesty does not suppress the venality of appointments in every respect? . . . It is not the annual payment which has caused the nobles to deprive and cut themselves off from the honours of the judicature, but the opinion which they have entertained for a long period, that learning and study weaken courage, and render nobleness mean and cowardly. . . . They ask you, Sire, to abolish the *paulette,* to cut off from your treasury sixteen hundred thousand francs, which your servants pay you annually, and they do not tell you that you may suppress the excess of pensions, which are so unbounded that there are some great and powerful kingdoms whose whole revenues do not amount to the sum you pay your subjects as the price of their fidelity. . . . What a pity that it should be necessary for your Majesty to supply each year five million six hundred and sixty thousand francs, which is the amount of the pensions that are paid from your treasury! If that sum were expended

for the relief of your people, would they not have reason to bless your royal virtues? and yet this is a subject on which they are silent; they put off the abatement of the abuse till the *cahiers* are considered, and they desire at present that your Majesty suspend the quit-rents of the *pauleite*. The *Tiers Etat* grants the one, and asks very earnestly for the other."*

This address was a fresh subject of irritation to the nobles, who felt so provoked at it that they resolved to present a complaint to the King. They begged the clergy to join them in this proceeding; but that body, assuming the character of a mediator, sent one of its members to the assembly of the *Tiers Etat* to lay before it the grievances of the nobles, and to invite it to give some satisfaction for the sake of peace. When the deputy had spoken, Savaron rose and said proudly, that neither in deed, intention, nor word had he given offence to the nobles; that, as for the rest, before he served the King as an officer of justice, he had borne arms; so that he was able to give an answer to any one in the one character or the other.† In order to avoid a rupture, which would have rendered all business in the States impossible, the *Tiers Etat* accepted the mediation which was offered them, and consented to send a conciliatory message to the nobles; and in order that all cause of dissatisfaction and distrust should be removed, they chose a new speaker,

* *Relation de Florimond Rapine*, p. 199 and following.
† Ibid, p. 207.

the *lieutenant civil*, De Mesmes. De Mesmes was commissioned to declare that neither the *Tiers Etat* in general nor any of its members in particular had any design of giving offence to the order of the nobles. He made use of language at once honest and peaceable; but the ground was so hot, that, instead of appeasing the quarrel, his speech embittered it. He said that the three orders were three brothers, children of their common mother, France; that the clergy represented the eldest, the nobles the second, and the *Tiers Etat* the youngest; that the *Tiers Etat* had always recognised the nobles as raised in some degree above it, but that the nobles ought also to recognise the *Tiers Etat* as their brother, and not to despise it, as if it were of no account; that it was often found in domestic life that the eldest sons ruined the family, and that the youngest restored it.* It was not only these last words, but the comparison of the three orders to three brothers, and the notion of such a relationship between the *Tiers Etat* and the nobles, that excited a storm of dissatisfaction among the latter. Their assembly, in confusion, directed their reproaches against the ecclesiastical representatives who were present at the sitting, complaining that the messenger of the *Tiers Etat*, introduced at their instance, instead of making reparation, had offered fresh injuries more serious than the first.

* *Relation de Florimond Rapine*, p. 223.

After some lengthy discussion upon what ought to be done, it was resolved that they should proceed forthwith with a complaint to the King.*

The audience which was demanded was not obtained till two days after; the nobles attended in a body. Their prolocutor, the baron de Senecey, concluded a verbose exordium with this description of the *Tiers Etat*:—"An order composed of people from the cities and the country; the last almost all bound to do homage, and under the jurisdiction of the two first orders; those of the cities, burgesses, tradesmen, artisans, and some placemen; and," he continued, "these are the persons, who, forgetting their position, without the sanction of those whom they represent, wish to compare themselves to us. I am ashamed, Sire, to repeat to you the terms which have given us fresh offence. They compare your State to a family composed of three brothers; they say that the ecclesiastical order is the eldest, ours the second, and theirs the youngest; and that it often happens that houses ruined by the eldest are raised up again by the youngest. Into what a pitiable condition are we fallen, if this be true! . . . And not content with calling us brothers, they attribute the restoration of the State to themselves, in which, as France knows sufficiently, they have no share whatever; so everybody

* *Procès-verbal et Cahier de la Noblesse des Etats de l'An* 1615. MS. de la Bibliothèque impériale, fonds de Brienne, No. 283, fol. 61, v°. *Relation de Florimond Rapine*, p. 226.

perceives that they could not be in any way compared with us, and a presumption on such poor grounds would be intolerable. Pronounce judgment, Sire, upon it; and, by a just decision, make them return to their duty."* As they retired, the assembly of the nobles who accompanied their speaker expressed their unanimous assent by gestures and such words as these: "We do not choose that the sons of shoemakers and cobblers shall call us brothers; there is as much difference between us and them as between the master and the valet."†

The *Tiers Etat* received the news of this audience and of these remarks with great composure; they decided that their orator should not only be approved, but thanked; that no recrimination against the nobles should be made before the King; and that they should proceed to the business of the *cahiers* without pausing to notice such squabblings.‡ The clergy then interposed afresh to procure a reconciliation, asking that some advances should be made by the *Tiers Etat*; that body replied that there had been no intention on their part to give offence on that occasion more than on the former; that the representatives of the clergy could themselves make this known to the nobles, to whom they had no other satisfaction to offer, and

* *Procès-verbal et Cahier de la Noblesse.* MS. de la Bibliothèque impériale, fonds de Brienne, No. 283., fol. 63 v°.

† *Relation de Florimond Rapine*, p. 228.

‡ Ibid.

desired that they might be left undisturbed to work at their *cahiers*, and occupy themselves with business of greater importance.* But the difference between the two orders kept all in suspense; the Government, without making itself judge, redoubled its efforts for an agreement; an order was sent on the part of the King to the *Tiers Etat*, that they should take some measure to satisfy the nobles; but many days passed away without this order being obeyed.

During this time the memorial which contained the petitions of the *Tiers Etat* passed the examination of the council. The nobles and the clergy supported all the articles of it, except the one which was the subject of their difference; and in respect of this one, it was promised by the First Minister that the number of the pensions should be annually diminished by one quarter, and that the most useless ones should be suppressed.† This concurrence and this victory opened the way to a reconciliation. The *Tiers Etat* had their thanks conveyed to the two first orders for their favourable co-operation; its messenger to the nobles disavowed all intention of giving offence, and they received a suitable answer.‡ In this way the difference was terminated, from which no result of political importance could arise, but which is remarkable because the *Tiers Etat* performed in it the

* *Relation de Florimond Rapine*, p. 231.
† Ibid, p. 242. ‡ Ibid, p. 246—248.

honourable part of disinterestedness and dignity; and a pride on the part of the people, cherished in the midst of study, and avocations which required intellectual labours, there showed itself openly, in the face of the pride of nobility.

A quarrel much more important, and without any admixture of private interests, occurred almost immediately after, and divided the three orders in the same manner as before, placing the *Tiers Etat* on the one side and the clergy and nobles on the other. The subject of it was the principle of the independence of the crown in regard to the church—a principle which had been proclaimed three hundred and twelve years before by the representatives of the *bourgeoisie.** In compiling its general *cahier* from the provincial *cahiers*, the *Tiers Etat* took from the *cahier* of the Ile de France, and placed at the head of all the chapters, an article containing what follows: "The King shall be petitioned to have it decreed in the assembly of the States as a fundamental law of the kingdom, which shall be inviolable and evident to all, that as he has been recognised as sovereign in his kingdom, holding his crown from God alone, there is no power on earth, of any kind whatever, spiritual or temporal, which has any right over his kingdom, either to deprive the sacred persons of our kings of it, or to dispense or absolve their subjects from the fidelity and obedience

* See above, Chap. II., p. 45.

which they owe to him, for any cause or pretext whatever. All the subjects, of whatever quality and condition they may be, shall keep this law as sacred and true, as conformable to the law of God, without any distinction, equivocation, or limitation whatever, which shall be sworn and signed by all the deputies of the States, and, for the future, by all beneficed clergymen and officers of the kingdom. . . . All preceptors, professors, doctors, and preachers shall be bound to teach and to publish it.*

These firm expressions, of which the meaning was at the bottom national, under the appearance of being altogether monarchical, consecrated the right of the state in that of the royal power, and declared the enfranchisement of civil society. At the mention of such a resolution the clergy took alarm; they made application to the *Tiers Etat* to have the article communicated to them, which they obtained with difficulty, and only at the same time that it was communicated also to the nobles. The last body, in abandoning the common cause of the laity and the state, repaid one act of favour to the ecclesiastical chamber by another; but the united proceedings of the two first orders had no influence on the third; they neither chose to retract nor to modify their article, and rejected, as it deserved, the proposition that they should acquiesce in a petition for the publication of a

* *Relation de Florimond Rapine*, p. 283.

decree of the Council of Constance against the doctrine of tyrannicide.* The great question, laid down afterwards in the war of the League between the two principles of a legitimate right to the crown in virtue of birth, or of one made dependent on orthodoxy of belief, was here, in fact, agitated. The debate on this question, which the reign of Henry IV. had not decided,† and to which his tragical fate gave a melancholy and thrilling interest, was by a sort of *coup d'état* taken out of the province of the orders, and referred to the council, or rather to the person of the King.

Upon the invitation which was made to them on the subject, the *Tiers Etat* presented the first article of their *cahier* to the King; and some days afterwards the president of the chamber and the twelve presidents of the committees were summoned to the Louvre. Although Louis XIII. was of age, the Queen-mother was the speaker, and told the deputation "that the article concerning the sovereignty of the King and the security of his person having been referred to him, it was no longer necessary to insert it in the *cahier*; that the King considered it as though it were presented and received; and that it would be decided

* See in the relation of Florimond Rapine (*Des Etats généraux*, &c., t. xvi., 2nd part, p. 112—164) the address of Cardinal du Perron, Speaker of the clergy, and the reply of Robert Miron, president of the *Tiers Etat*.

† Henry IV. reigned only in virtue of an agreement with his Catholic subjects.

to the satisfaction of the *Tiers Etat*."* This violence done to the liberty of the assembly excited great confusion in it; it understood the intention, and how the erasure, which was prescribed to it, would terminate. During three days it deliberated whether it should conform to the orders of the Queen. There were two opinions; one, that the article should be retained in the *cahier*, and that a protest should be made against the persons who were misleading the King and controlling his will; the other, that they should submit by merely making a remonstrance. The first had the numerical majority in its favour; but it was not carried; as the vote was made by provinces, and not by *bailliages*.† A hundred and twenty members, at the head of whom were Savaron and De Mesmes, declared themselves opposed to the resolution of the assembly, as made by the smaller number. They loudly demanded that their opposition should be admitted, and that effect should be given to it. The noise and confusion lasted during a whole sitting, and for the sake of peace a middle course was agreed to; they came to a compromise that the actual text of the article should not be inserted in the general *cahier*, but that its place should be formally preserved

* *Relation de Florimond Rapine*, 2e partie, p. 194.

† The provinces were very unequally represented in number; but the vote by *bailliages*, which, on this occasion was declared void, answered nearly to the vote by head. (See the *Relation de Florimond Rapine*, 2e partie, p. 197, and foll.)

in it.* In fact, upon the authentic copies of the *cahier*, on the first page and after the title—*Of the fundamental Laws of the State*—there was a vacant space, and this note : "The first article, extracted from the report of the proceedings of the chamber of the *Tiers Etat*, has been presented to the King previously to the present *cahier* by the command of his Majesty, who has promised to reply to it."

This reply was not given; and the question of the independence of the crown and country was adjourned by the weakness of a queen who was governed by foreigners. It was not till the end of sixty-seven years that the rights of the State, proclaimed this time in an assembly of bishops, were guaranteed by a solemn act, obligatory on all the clergy of France. But this famous declaration of 1682, in its fundamental points, is only a reproduction, almost word for word, of the article of the *cahier* of 1615; and it is to the *Tiers Etat* that the honour of the initiative is here due.† All that there was of courage and enlightenment in the public opinion of the time paid

* *Relation de Florimond Rapine*, p. 205—207.

† We declare, in consequence, that kings and sovereigns are not subject to any ecclesiastical authority by the order of God in temporal affairs. That they cannot be deposed, either directly or indirectly, by the authority of the rulers of the church. That their subjects cannot be dispensed from the submission and obedience which they owe to them, nor absolved from their oath of allegiance; and that this doctrine, necessary for the public peace, and not less beneficial to the church than to the

homage to it, and avenged it in its defeat. While the privileged orders were receiving letters of congratulation* from the Court of Rome, thousands of voices at Paris were repeating this quatrain, composed for the occasion, which at the present day might be called prophetic:

O noblesse, O clergé, les aînés de la France,
Puisque l'honneur du roi si mal vous maintenez,
Puisque le *Tiers Etat* en ce point vous devance,
Il faut que vos cadets deviennent vos aînés.*

To its petition for guarantees in favour of the

state, ought to be inviolably observed as in conformity with the word of God, with the traditions of the holy fathers, and with the examples of the saints. (*Declaration du* 19 *Mars*, 1682; *Manuel du droit public Ecclésiastique Francais*, par M. Dupin, p. 126.)

* Paulus, pontifex maximus. dilectis filiis nobilibus viris ordinis nobilium regni Franciæ in comitiis generalibus.—Dilecti filii nobiles vivi. . . . . Mirum in modum auctus est noster erga vos paternus amor ex his, quæ venerabilis frater Robertus episcopus Montispolitiani, noster apostolicus nuncius, nuper ad nos scripsit de alacritate animi, deque studiosâ voluntate quâ promptos paratosque vos ordini ecclesiastico istius regni exhibuistis ad tutelam divini honoris et defensionem auctoritatis sanctæ apostolicæ sedis. . . . . (*Procès-verbal et Cahier de la Noblesse.* MSS. de la Bibliothèque Impériale, fonds de Brienne, No. 283, folio 172.)

† Clergy and nobles, eldest born of France;
So ill the royal honour you maintain,
The youngest born, the *Tiers Etat*, advance
To occupy the post you held in vain.

MSS. de la Bibliothèque Impériale, Collection Fontainieu. (Pièces, Lettres, et Negotiations, p. 187.)

sovereignty and the security of the prince, the *Tiers Etat* added, in its *cahier*, under the same title—*Des Lois fondamentales de l'Etat*—the petition for a convocation of the States-General every ten years; and it was the only one of the three orders which expressed this desire. The *cahier* of 1615 recals by its merit, while it exceeds in extent, that of 1560.* It has that character of an inspired exuberance of resources which displays itself at the great epochs of our legislative history. Institutions of a political, civil, ecclesiastical, judicial, military, economic nature—it embraces them all; and, under the form of a petition, lays down the law upon each with a judgment and decision which are admirable. We see there the prudent ability which fixes upon what is practical, and liberal tendencies in favour of future progress; materials for an approaching legislation, and desires which could not be realised except by an entirely new order of things. I should like to give a complete idea of that work of patriotism and wisdom;† but I am obliged to limit

* There are 659 articles, forming nine chapters, entitled, "Fundamental Laws of the State; of the Government of the Church; of the Hospitals; of the University; of the Nobility; of Justice; of the Finances and Domains; of Suppressions and Revocations; Police and Trade."

† What I say applies to the articles of the *cahier* in general, and not to each in particular; many of them bear the inevitable mark of the prejudices which then prevailed, such as the prohibitive system, the usefulness of the sumptuary laws, and the necessity of the censure.

myself to the analysis of certain points; and I shall choose those petitions which, belonging exclusively to the *Tiers Etat*, are not found in the *cahier* of either of the other orders.

They require that the archbishops and bishops be appointed according to the form prescribed by the ordinance of Orleans;* that is to say, from a list of three candidates elected by the bishops of the province, the chapter of the cathedral, and twenty-four notables, twelve from the nobility, and twelve from the *bourgeoisie*; that the crimes of ecclesiastics be tried by the ordinary tribunals; that all the incumbents be bound, under penalty of having their temporalities seized, to bring every year to the record-office of the courts of justice the registers of baptisms, marriages, and deaths, signed and numbered. That religious communities be not allowed to acquire real property, except for the purpose of increasing the circuit of their conventual houses. That the Jesuits be bound

* See above, Chapter V., p. 120. This form of modified election, if it were ever regularly followed, could only have been from the year 1561 to 1579; the ordinance of Blois, made at this last date, leaves to the King the entire and simple power of nomination.—The *cahier* of the nobles lays it down as follows: "That in conformity with the ordinance of Blois, none shall be admitted to ecclesiastical benefices, dignities, and appointments, but persons of proper age, integrity, sufficiency, and other requisite qualifications, . . and that persons of noble birth be preferred for the said benefices." (MS. de la Bibliothèque impériale, fonds de Brienne, No. 283, fol. 247,)

by the same laws, civil and political, as the other religious bodies established in France; that they acknowledge themselves subjects of the King, and be not allowed to have provincials who are not French by birth, and elected by French Jesuits.*

That nobles and ecclesiastics, being lodgers or householders in the cities, be obliged to contribute to the communal taxes. That no noble, or other person, be allowed to exact any service from the inhabitants of his domains, if he has not a right verified by the king's judges. That all nobles and others be forbidden to compel any one to grind at their mills, to bake in their ovens, or to press at their wine-presses, or to make use of any other right of feudal service, whatever usage or possession they may allege, if they have not a title recognised as valid. That all the lay and ecclesiastical seigneurs be bound within a fixed period to enfranchise their property held in mortmain, by means of an indemnity determined by the king's judges, provided that all the subjects of the king, in whatever place they dwell, be declared capable with full right to acquire, hold, and leave their property at their own option.†

That there be no longer more than two degrees of jurisdiction below the parliaments; that the courts

* *Cahier du Tiers Etat de* 1615, Art. 7, 53, 33, 62, et 41. MS. de la Bibliothèque impériale, fonds de Brienne, No. 284.

† *Cahier du Tiers Etat*, art 532, 165, 167, et 309.

of aids be reunited to the parliaments; that the professions subjected since the year 1576 to the system of exclusiveness by means of companies and guilds, be pursued without restriction; that all the edicts in virtue of which payments are levied upon the artisans in proportion to their industry be revoked, and that all letters of privilege granted as favors of the court, be declared null; that the tradesmen and artisans, whether belonging to a trade forming a company, or to any other, pay no more dues for being admitted masters, for setting up a business, or for any other part of their calling; that all the monopolies of trade or industry granted to individuals be abolished; that the customs exacted for passing from province to province be suppressed, and that all the offices for their collection be removed to the frontiers.*

In all this there is an aspiration towards the civil equality, judicial unity, commercial unity, and industrial liberty of our days. At the same time the *Tiers Etat* of 1615 repeats the protests of 1588 and of 1576 against the encroachments on the ancient municipal rights by the state. It demands that the magistrates of the cities should be appointed by free election, without the interference and uninfluenced by the presence of the royal officers; that the custody of the keys of the gates should belong to them, and that wherever that prerogative had been lost it should be restored;

* *Cahier du Tiers Etat*, art. 249, 549, 614, 615, 616, 647, 387, and 389.

lastly, that all the municipalities should be able, within certain limits, to tax themselves without the authorisation of government.*

If inquiry be made into the *cahiers* of the three orders, in what manner their objects agree and in what they differ, it will be found that the difference is less between the *Tiers Etat* and the clergy, than between the *Tiers Etat* and the nobles. The clergy, influenced on one side by the liberal spirit of their doctrines, and on the other by their interests as a privileged order, do not follow a direct course in their politics; sometimes their votes are for the common right, the cause of the people, the removal of burdens from the poor and oppressed classes; sometimes, from their connexion with the cause of the nobles, they demand the maintenance of special privileges and exemptions chargeable with abuse. In the questions of the general welfare, administrative unity, and economic progress, they show that they are not strangers to the tradition of reforms, that they are not opposed to the great movement which, since the thirteenth century, advanced France by the power of the kings united with that of the people beyond the civil institutions of the Middle Ages. In a word, their evangelical sympathies, joined to their sympathies of race, incline them towards the *Tiers Etat* in all that does not affect their own temporal in-

* *Cahier du Tiers Etat,* art. 593, 594, and 528.

terests, or the spiritual interest and pretensions of the Church. It is on this last point, on the questions of the Papal power, of the Gallican liberties, of religious toleration, of the Council of Trent and the Jesuits, and almost exclusively upon them, that a serious disagreement is found in the *cahiers* of the *Tiers Etat* and the ecclesiastical order.*

But between the two lay orders the divergency is complete; it is an antagonism which never relaxes itself except at rare intervals, and which, seen from the position in which we are placed to-day, presents in its ideas, its manners, and its interests, the struggle between the past and the future. The *cahier* of the *Tiers Etat* of 1615 is a vast programme of reforms, of which some were effected by the great ministers of the seventeenth century, and others were reserved for the year 1789. The *cahier* of the nobles, in its essential part, is merely a petition in favour of all that has perished, or was destined to perish, in the progress of time and reason. There are some points in it already mentioned, for the most part in the preceding States-General, but accompanied on this occasion with an eagerness of jealous hatred against the royal officers, and, in general, against the superior class of the *Tiers Etat*.† The

* The concessions made by the nobility on these points gained them the alliance of the clergy in their quarrel with the *Tiers Etat*.

† If it please your Majesty, you will not pay attention to all the articles which will be presented to you in the *cahier*

nobles do not confine themselves to defend the privileges and power which still remained in their hands; they wished to break down the administrative usages belonging to the French crown, to replace the soldier on the seat of the judge,* and to displace the *Tiers*

of the *Tiers Etat* to the prejudice of the nobles in regard to offices for administration of justice, . . . considering that the said chamber consists for the most part of lieutenant-generals and officers of *bailliages;* their principal design has only been to increase their authority and augment their profits, to the prejudice of that claim which the nobles so worthily possess.—That your Majesty, considering the distress of the poor country people, whose poverty is the ruin of the clergy and nobles, ordain that persons of the *Tiers Etat* be not permitted for the future to have any payments imposed for any cause whatever, except those pertaining to your Majesty, without the consent of the clergy and the nobles dwelling in the province where such a tax shall have to be levied.—That all rights and privileges asserted by the inhabitants of the cities to sport upon the lands of your Majesty, and of the seigniories bordering on their cities be revoked and annulled, and all persons of the common classes, and not nobles, be forbidden to carry arquebusses or pistols, or to have sporting dogs, or any others which are not disabled by being hamstrung. That, in order to regulate the great disorder which exists at present among the *Tiers Etat*, who usurp the condition and the dresses of ladies, your Majesty is very humbly solicited that hereafter they may be prohibited from so making use of them, under the penalty of 1000 crowns. To prescribe to each class such a dress as may enable a distinction to be made in the condition of the person by wearing it, and that velvet and satin be prohibited, except to nobles. (*Cahier de la Noblesse de* 1615, fol. 233, 254, 229, 262 and 256.)

* In the *cahier* of the nobility, see the article relative to *L'Etat des Baillis et Sénéchaux*, fol. 234.

*Etat* from the superior courts and all the posts of honour. Not only do they claim the appointments in the army and the court, but they demand that the parliaments should be filled with nobles, and that there should be places reserved for them in all the ranks of the civil hierarchy, from the high appointments of the Government, down to the municipal offices.* Besides, in order to open to themselves the springs of wealth, at which the *bourgeoisie* were drinking, they demanded permission to pursue commerce without a sacrifice of rank. This was a sort of ad-

* That all the *prévots des Maréchaux*, *vice-baillis*, and *vice-sénéchaux* be nobles by birth, and that it be enjoined on those who be not of that condition to resign their offices within three months, in failure of which the office shall be declared vacant and open to application; that the great privileges and particular privileges of waters and forests be given only to nobles by birth. That the first consul or mayor of the towns and *bastilles* shall be taken from the body of the nobles, under penalty of the nullity of the election which shall be made to the contrary. That the two treasurers of France who shall be left, agreeably to the suppression which has been required, one shall be a noble by birth, and may not be of another condition. That none may be invested with the office of *bailli* or *sénéchal*, who is not a noble by condition, name, and profession of arms. Filling your supreme courts with men of noble family, as they were anciently, and that a third of the offices at least be appropriated to them. And inasmuch as it would be in vain to demand that it should please your Majesty to give the preference for the appointments over the supreme companies of your kingdom—that in every judicial and financial body a third of the judges and officers be nobles. (*Cahier de la Noblesse*, Ibid, folio 229, 232, 233, 234, 278, and 279.)

vancement in ideas; but the *Tiers Etat*, from a spirit of monopoly, protest against that request; they desire that commerce should be still forbidden to the nobles, and formally be so to all the privileged classes.* In this way privilege was opposed to privilege, and instead of liberty on the one side and the other, they wished for compensation on both.

This eager rivalry, which gives so much interest to the history of the States-General of 1614, was a cause of their want of power. The coalition of the two first orders against the third, and the ill feelings which ensued from it, prevented or weakened every common purpose, and neutralised the influence of the Assembly over the proceedings and spirit of the Government. Besides, whatever desire for the public good might have been entertained by the Court of the young King, the incompatibility of the wishes of the two orders would have constrained it to remain inactive, for the choice of a definite line of policy was a matter of too much difficulty and danger for it. It would have been necessary, in order to elicit light out of that chaos of ideas, to have had either a king worthy of the name, or a great minister. The Court of Louis XIII., far from sincerely looking for a more advantageous course, was only desirous of profiting by the misunderstanding of the States for the main-

* See *Le Cahier du Tiers Etat*, art. 161, and *Le Cahier de la Noblesse*, fol. 232.

tenance of the abuses and the continuation of the disorder. For fear lest some circumstance might occur to make the Assembly feel the necessity of mutual agreement, the Court pressed forward with all its power the presentation of the *cahiers*, promising that they should be answered before permission to separate were given to the deputies. The latter demanded that their right of continuing the meeting of the States until they had received the answer of the King to their *cahiers* should be recognised. This was to lay down the question of the power of the States-General, which still remained undecided, after three centuries. The Court gave an evasive answer; and on the 23rd of February, 1615, four months after the opening of the States, the *cahiers* of the three orders were presented to the King in solemn form in the great chamber of the palace of Bourbon.*

The following day, the deputies of the *Tiers Etat* attended at the Convent of the Augustins, the ordinary place of their sittings: they found the chamber dismantled of its seats and tapestry, and their president announced that the King and the Chancellor had prohibited them from holding any further meeting. More astonished than they should have been, they uttered complaints and invectives against the Minister and the Court; they accused themselves of

* See *La Relation de Flor. Rapine*, part iii., *Des Etats Généraux*, &c. t. xvii., p. 75, and following.

indolence and weakness in the execution of their writ; they reproached themselves with having been, as it were, asleep four months, instead of opposing the Government and acting resolutely against those who were robbing and ruining the kingdom. A witness and actor in that scene has described it with expressions full of sadness and patriotic indignation. "One," he says, "goes about beating his breast, confessing his cowardice, and anxious to redeem at any price an opportunity so fruitless, so pernicious to the State, so injurious to a young prince, whose censure he fears, when mature age shall have given him a full knowledge of the disorders, which the States have not retrenched, but increased, fomented, and approved. Another prepares for his return home, abhors his residence in Paris, desires his home, his wife, and his friends, that in the consolation of such tender pledges he may drown the recollection of the grief which his expiring liberty causes him. How—let us ask, what shame, what confusion for the whole of France, to see those who represent her so little considered and so degraded, that so far from being recognised as deputies, it seems hardly allowed that they are Frenchmen! . . . Are we different from those who entered yesterday the chamber of the Bourbon?"* This question, which was the very question of the national sovereignty, was asked again in another assembly one

* *Relation de Flor. Rapine*, iii^e partie, p. 119.

hundred and seventy-two years later, and then a voice replied, "We are the same to-day as we were yesterday; let us proceed to business." *

But nothing was ripe in 1615 for the results which were effected by the *Tiers Etat* in 1789; the deputies, who were forbidden all deliberation, remained under the weight of their discouragement. Every day, according to the account of one of them,† they paced up and down the cloisters of the Augustins, to meet and learn what was intended towards them. They inquired of one another the news of the Court. Their desire was to be dismissed; and all were watching for the opportunity, anxious as they were to quit a city where they perceived themselves to be, says the same account, out of place and unemployed, without business either public or private.‡ The sense of their duty awakened them from that depression. They thought that, as the council of the king was engaged in preparing the answers to the *cahiers*, if it happened that any decision should be there taken, to the injury of the people, the blame would not fail to be cast upon their impatience to depart; and the nobles and clergy, moreover, would profit by their absence to obtain, by means of their solicitations, all sorts of advantages. For this two-

* It is the expression of Sieyès which elicited the oath of the Jeu de Paume.

† Flor. Rapine, deputy of the *Tiers Etat* for Nivernais.

‡ *Relation de Flor. Rapine*, iii^e partie, p. 119.

fold reason, the deputies of the *Tiers Etat* resolved not to ask separately for a leave of absence, but to wait till the council had decided upon the essential points, before they retired.* They therefore remained, and assembled frequently in different places, maintaining their character as deputies with a certain vigour against the prime minister. At last, on the 24th of March, the presidents of the three orders were summoned to the Louvre. They were informed that the number of the articles contained in the *cahiers* prevented the king from replying to them so soon as he could have wished; but that, in order to give to the States an instance of his good feeling towards them, he received in advance their principal petitions, and let them know that he had decided to abolish the venality of offices, to reduce the pensions, and to establish a chamber of justice against the mal-practices of the financiers; that he would provide for all the rest as soon as possible; and that the deputies were at liberty to depart.

These three points of the *cahier* were chosen with tact, as affecting at the same time the passions of the three orders. The nobles hailed, in the abolition of the inheritance and venality of offices, a great advantage in their own favour: the *Tiers Etat* hailed a great advantage for the people in the retrenchment of the pensions; and the Assembly had been unani-

* *Relation de Flor. Rapine*, part iii., p. 129.

mous in their execration of the financiers, and in demanding a special jurisdiction against their illegal profits.* It might even be said that the suppression of the *paulette* and of the venality was a common demand of the States, although each order had made that demand from different motives: the nobles, for their own advantage; the clergy, from their sympathy with the nobles; and the *Tiers Etat*, with a view to the public good, in opposition to their own individual interest.* With regard also to the article of the pensions, which had given rise to the division between the *Tiers* and the two other orders, the three *cahiers*

* See *L'Histoire de France*, of M. Henri Martin, t. xii., p. 254, and foll.

† They have themselves taken care to remind us of it in the articles of their *cahier:* "Experience has shown how pernicious is the establishment of the annual payment called *paulette*, which makes so many appointments of the judicature, as well as others, hereditary. . . . and deprives your Majesty of the means of being able to choose your officers and the nobles of the hope of ever obtaining them . . . . wherefore your Majesty is respectfully petitioned to cut off entirely the venality of offices of all sorts. . . . It is the only means of rendering your State more illustrious and prosperous—your Majesty well served, and your people consoled by the choice which you will make of capable persons. From this general benefit there will result one in particular to the advantage of your nobles, desirous of giving as many proofs of their fidelity in the exercise of judicial power, as they do in your armies on the occasions which present themselves to them. They very humbly beg it of you, sire." (*Cahier de la Noblesse de* 1615, M.S. de la Bibliothèque Imperiale, fonds de Brienne, No. 283, fol. 238 et 239.)

were brought into agreement, more open, it is true, on the side of the clergy than on that of the nobles.* In this way, by a strange concurrence of circumstances, there were feelings which were opposed expressed in votes which were unanimous; and the promises of the king satisfied at one stroke generous desires and selfish designs. These promises, the only good tidings which the members of the States had to carry home to their provinces, were never kept; and the answer to the *cahiers* was not delivered till fifteen years after in a royal ordinance.

Such was the end of the States-General convoked in 1614, and dissolved in 1615. They form an epoch in our national history, as closing the series of the great assemblies held under the ancient monarchy; they form an epoch in the history of the *Tiers Etat*, of which they mark, at the commencement of the seventeenth century, the increasing importance, the passions, the enlightenment, the moral power and political impotency. Their meeting terminated only in a barren antagonism; and with them ceased to act and to live that old representative system, which was mixed up with the monarchy, without rules or defined conditions, and in which the *bourgeoisie* had taken a position, not by right, not by conquest, but

* See the *Cahier of the Tiers Etat*, art. 491 and 492; that of the clergy, art. 158; and that of the nobles, fol. 214, v°., M.S de la Bibliothèque Imperiale, fonds de Brienne, Nos. 282, 283, and 284.

at the call of the royal power. Admitted into the states of the kingdom without a struggle, without that eagerness of desire and effort which had led it to the enfranchisement of the communes, it had reached its position, in general, with more of distrust than of satisfaction, sometimes bold, frequently under constraint, always bringing with it a mass of new ideas, which passed more or less readily, more or less completely from its *cahier* of grievances into the ordinances of the kings. The effective agency of the *Tiers Etat* in the national assemblies was confined to that initiative influence, the fruit of which was slow and uncertain; all immediate action was rendered impossible for it by the double action of the privileged orders opposed to it or divergent from it. It is this which is seen more clearly than ever in the States of 1615, and it seems that the plebeian order, impressed with an experience of this kind, henceforward attached little value to its political rights.

A hundred and seventy-two years passed away without the States-General having been once convened by the crown, and without public opinion having availed itself of such powers as it possessed to bring about that convention.* Hoping everything

* During the troubles of the Fronde, the States-General were convoked on two occasions—first, spontaneously by the Court in its struggle with the *bourgeoisie;* next, at the instance of the nobles united with the clergy; some philanthropists joined to the aristocratic party, called for them towards the

from that power which had elicited from the people, and put into action through plebeian hands the elements of modern civil order, that opinion for a century and a half submitted itself without reserve to the crown. It embraced the form of simple monarchy, symbol of social unity, until that unity, of which the people deeply felt the need, appeared to their minds under more propitious forms.

end of the reign of Louis XIV. The Regent thought of them to support his power; and there was no question about them during the reign of Louis XV.

# CHAPTER VIII.

## THE PARLIAMENT UNDER LOUIS XIII., THE MINISTRY OF RICHELIEU, THE FRONDE.

Summary: New importance of the Parliament.—Its Popularity—Its interference in Affairs of State.—Remonstrances of 22nd of May, 1615—Insurrection of the Higher Nobility—Ministry of Cardinal Richelieu, his Domestic Policy—Assembly of Notables in 1626—Demolition of the Castles—Ordinance of January, 1629—Foreign Policy of Richelieu—Unpopularity of the Great Minister—Reaction of the *Tiers Etat* against the Ministerial Dictatorship—Coalition of the Higher Magistracy, the Fronde—Political Act deliberated on by the Four Supreme Courts—Affair of the Barricades—Dictatorial Power of the Parliament—It makes its Peace with the Court—The Fronde of the Princes, its character—Triumph of the Principle of Unlimited Monarchy—Developments of the French Mind—Progress of Enlightenment and Refinement—Influence of the Literary *Bourgeoisie*.

A NEW phase in the history of the *Tiers Etat* commences at this point; the space, which is left vacant in it by the disappearance of the States-General, is filled up by the attempts that are made at a direct interference in the affairs of the kingdom by the parlia-

ment of Paris. This judicial body, summoned in certain cases by the crown to act a political part, took advantage of this usage, from the sixteenth century, to maintain that it represented the States, that it had in their absence the same power as they;* and when all hopes of a reform had been frustrated by the result of their last assembly, the public expectation was turned toward it, never again to be withdrawn, till the day when the ancient system was destined to cease. Recruited for more than three centuries from the *élite* of the middle classes, placed in the first rank of the high offices of the kingdom, setting the example of integrity and of all the civic virtues, honoured for its patriotism, its lustre, its wealth, and its very pride, the parliament possessed all that was necessary to attract the sympathies and the confidence of the *Tiers Etat*. Without examining whether its pretensions to be the referee of the legislature and controller of the royal power, were founded on real claims,† the people loved it for its spirit of

* The Parliament spoke of itself as the States-General on a small scale.

† In its remonstrances to Louis XIII. (1615), the parliament boasts of holding the place *of the Council of Princes and Barons, who from all antiquity were near the persons of the kings, in the same manner as the government,* and it adds: as a proof of this, the princes and peers of France have always had a place and deliberative voice in it, and in it also have been confirmed the laws, ordinances, and edicts, creations of offices, treaties of peace, and other most important affairs of

resistance to the ambition of the favourites and the ministers, for its constant hostility to the nobility, for its zeal in maintaining the national traditions, in screening the state from all foreign influcnce, and in preserving untouched the liberties of the Gallican church. The titles of August Body, August Senate, Guardian of the Kings, Father of the State, were bestowed upon it; and its rights and power were regarded as equally sacred and equally indisputable as the rights and the power of the crown itself.

Whatever degree of aristocratic character had been introduced into the courts of judicature by the right of inheritance to the appointments, this, far from diminishing their credit with the middle and inferior classes of the nation, was only regarded as an additional proof of their power to protect the rights and interests of all. That effective and permanent power, transmitted from father to son, and preserved intact by pride of class as well as pride of family, seemed a more secure protection for the cause of the weak and oppressed, than the uncertain and transitory prerogatives of the States-General. In reality, the political spirit of the judicial bodies was less liberal and less

the Kingdom, of which also letters-patent have been sent to it, to take them into deliberation, with full liberty of debate, to examine into their merits, to make reasonable modification in them, yes, even that which has been allowed by our States-General ought to be confirmed in our court, in which is the place of your royal throne, and the bed of your sovereign justice." (*Des Etats généraux*, etc., t. xvii., ii[e] partie, p. 142.)

disinterested than that, with which the elected representatives of the *Tiers Etat* were animated in the exercise of their powers.* If the parliament held with the last in some respects, it differed from them in others; its most courageous resistance was sometimes selfish, it had some of the vices of the nobility, to which it approximated. But in spite of its irregu-

* An instance of this is seen in 1615, in connexion with the annual payment, from which resulted the hereditary right to the offices. The chamber of the *Tiers Etat* had demanded the abolition of it, although the majority of its members were officers of the judicature. The parliament, as soon as the *cahiers* had been presented to the King, assembled to protest against that reform, and to denounce at the same time the abuses of the administration, making also a strange medley of the public, and its own peculiar interest. "On Monday, the ninth day of the said month of March, there was a great difference in the parliament on account of the *paulette*, and many other affairs of importance, for which that great and august body wished to provide. . . . They made answer that they had taken their places in order to give advice on affairs, not for the sole object of the *paulette*, but of the kingdom, which was ruled and governed at the will of two or three ministers of State, who upset the regulations and the laws of the monarchy. . . . Such, then, are the opinions of those who do not particularly regard the general benefit of the State (as what was stated the preceding day seemed to promise); the most zealous acted for the public good, the rest aimed their blows and their arrows only at the individual interest of the officers, in order to prevent the extinction of the annual payment, under faith of which many flattered themselves to be secure of appointments, as of a possession hereditary and patrimonial." (*Relation de Florimond Rapine*, iii[e] partie, p. 130, 131, and 137.)

larities and weaknesses, those who were suffering from abuses, did not cease to have faith in it, and to reckon upon it. It seems as if a voice made itself heard in the depth of the popular mind, saying, These persons belong to us, they cannot wish otherwise than for the good of the people.

The facts, on every occasion, proved to be much below the expectations, and it could not be otherwise. If the supreme courts had the merit of speaking out, their word was without authority. Instituted by the kings for the administration of justice, they had not even the shadow of that national summons, which, whether given or assumed, confers, in some measure or other, the right of acting in opposition to the will of the monarch. As soon as the moment arrived of making action take the place of remonstrances, of opposing means of compulsion to the determined resistance of the government, the parliament found itself without authority and power; it was obliged to pause, or retreat upon auxiliaries more powerful than itself, upon the princes of the blood, upon the factious in the court, upon the discontented aristocracy. When in the name of the public interest it had refused the enrolment of an edict or the suppression of a decree, and maintained an independent and proud attitude in spite of the exile or the imprisonment of its members, its part was performed, unless it had made alliance with the ambition of foreigners in the cause of the people and for the benefit of the kingdom. In

this way the most solemn manifestations of patriotism and independence terminated merely in proceedings without a result, or in a civil war, undertaken for the interest and the passions of the powerful. The civic courage, reduced by the sense of its own powerlessness from beginnings which were noble, but from consequences which were paltry or detestable, to lend her services to the intrigues and factions of the nobles—such is, in fine, the history of the political efforts of the parliament. The first of them all, which was, if not the most striking, at least one of the boldest, presented that character, which is found again on a grander scale and with many complications in the events of the Fronde.

On the 28th of March, four days after the dissolution of the States-General, the parliament, with all its chambers assembled, issued a decree, inviting the princes, dukes, peers, and officers of the crown, *having a place and a voice in the deliberations of the court* to attend there, in order to advise upon the matters which would be proposed for the service of the king, the welfare of the State, and the relief of the people. This convocation, proposed to be held without the command of the king, was an act unknown till then; it excited great expectation in the public mind, the hope of seeing that, which they had vainly promised themselves from the meeting of the States, executed by the supreme courts.* The council of the king

* The members of the parliament assembled to proceed

was alarmed as by an innovation of a threatening character, and annulling its decree by a counter-decree, it forbad the parliament to proceed further, and the princes and peers to attend at its invitation. The parliament obeyed; but immediately began to draw up remonstrances; a fresh decree of the council ordered it to desist; this time however it did not submit, but continued the work which it had commenced. When the remonstrances were ready, the parliament demanded an audience, that they might be read before the king, and its firmness, supported by public opinion, intimidated the ministers; for nearly a month they were negotiating in order to

with the remainder of their opinions, in order to make some decision upon what was to be done, and taken into deliberation among them. All France had its eyes fixed upon this great Areopagus, and was all attention to learn with applause what the conclave of the first senate in Europe would effect, at a time so desperate and corrupt, at which it was believed that it would make up for the defect of the weakness and pusillanimity of the States, which had only spoken hesitatingly, and under direction, and according to the will of those who had not desired from the deputies anything but the approbation and confirmation of that which had been arranged and managed in the government since the death of the late king. . . . I pray God to illumine their minds with the rays of his Holy Spirit, to kindle and strengthen their courage, to make them do more good to the poor people than the States have done. (*Relation de Flor. Rapine,* iii[e] partie, p. 141, and 143.) These words, written with a reference to an assembly of all the chambers prior to the 28th of March, are applicable, with still stronger reason, to the decision of that day.

prevent the reading, but the parliament was immoveable, and its perseverance carried the day. On the 22nd of May it had an audience at the Louvre, and read its remonstrances to the king in council, of which the following are some of the passages:—

"Sire,—This assembly of the chief personages of your kingdom has not been proposed otherwise than subject to the good pleasure of your majesty, to represent to you faithfully by the advice of those who ought to have most information on the subject, the disorder which is day by day increasing and multiplying, it being the duty of the officers of your crown on such occasions to make you acquainted with the evil, in order to obtain the remedy for it by means of your wisdom and royal authority,—a proceeding, Sire, which is not without precedent or without reason. . . . Those who desire to weaken and depress the authority of this body are striving to deprive it of the liberty which your predecessors have continually allowed it, to show you faithfully what they might judge useful for the good of your state. We venture to tell your majesty that it is an ill counsel by which they persuade you to commence the year of your majority by so many commands of absolute power, and to accustom yourself to actions, which good kings, like you, Sire, resort to but on very rare occasions.*

* *Des Etats Généraux*, etc., t. xvii, 2e partie, p. 141—144.

After having presented, according to its custom, the facts of its history, having asserted that it occupied the place of the council of the great barons of France, and that in this character it had at every period interfered in public affairs, the parliament proposed a *cahier* of reforms, similar to those of the States-General. It asked the king to follow the steps of his father in his domestic and foreign policy, to maintain the same alliances, and to practise the same system of government; to take care that his sovereignty should be secured against ultramontane doctrines, and that a foreign influence should not be insinuated in any way into the management of the affairs of state. It passed in review all the disorders of the administration: the ruin of the finances, the lavish expenditure, the excessive grants and the pensions bestowed by favour, the obstacles placed in the way of justice by the court and the high nobility, the connivance of the royal officers with the farmers of the revenues, and the insatiable greediness of the ministers. It pointed out in prospect the insurrection of the people, reduced to despair, and concluded with these calm but haughty words, "Sire, we very humbly beg your Majesty to permit us to execute the decree of March last, as is so necessary. . . . And in case these remonstrances cannot have their effect, nor the decree be executed through the evil counsels and artifices of those who are interested in them, your Majesty will, if it please you, find it right that the officers of your Parliament

should make this solemn protest: that, for the discharge of their consciences towards God and man, for the interest of your service, and the preservation of the State, they shall feel obliged hereafter to name with full freedom the authors of all these disorders, and to make the public acquainted with their conduct." *

The following day, the 23rd of May, a decree of the council ordered these remonstrances to be erased from the registers of the parliament, and forbad that body to meddle in affairs of state without the order of the king. The parliament demanded a fresh audience; it was refused, and orders were repeated enjoining it to execute the decree of the council. It resisted, employing with tact all the means of delay which its modes of proceeding supplied it with. But, while it was resolutely maintaining the legal contest, those whom it had convoked to its deliberations quitted Paris, and made all their preparations to take up arms. The Prince of Condé, the Duke of Vendôme, the Dukes of Bouillon, Magenne, Longueville, and other great lords, raised the provinces of which they held the government, published a manifesto against the court, and levied soldiers in the name of the young king, who was constrained, as they said, by his ministers. Taking advantage of the uneasiness which was caused by the compliances of the Government towards the

* *Des Etats Généraux*, p. 172 and foll.

Court of Rome, and by its connexion with Spain, they gained over to their party the leaders of the Calvinists;* and the cause of the reformed faith, once associated with that of the aristocratic rebellion, continued compromised by that alliance. In this way was commenced, on the part of the Protestants, that series of mistakes and misfortunes which, terminated by the revolt and the siege of Rochelle, caused them to lose successively all the political and military guarantees with which they had been invested by the edict of Nantes.†

* The Dukes of Rohan, Soubise, La Trémouille, and even the Duke of Sully.

† . . . Wishing to give all the satisfaction in his power to his subjects of the so-called reformed religion, upon the demands and petitions which have been presented to him on their part, for that which they have considered to be necessary for them, as well for the liberty of their consciences, as for the security of their persons, fortunes, and property, . . . his said Majesty, besides that which is contained in the edict which he has newly decided upon, . . . has granted and promised to them, all the places, cities, and castles which they held up to the end of the month of August last, in which there shall be garrisons, by the list which shall be prepared of them and signed by His Majesty, shall remain in their custody under the authority of, and in obedience to, His said Majesty, for the space of eight years, to be counted from the day of the publication of the said edict; and for the others which they hold, where there shall not be garrisons, there shall be no alteration or innovation. . . . And when this space of the said eight years is expired, although His Majesty be free from his promise in regard to the said cities, and they obliged to give them up to him again, nevertheless

The civil war, for which the remonstrances of the parliament served as the pretext, terminated without any other military achievement than the movements of troops, and extensive pillage committed by the soldiers of the princes engaged in the rebellion. In the treaty of peace concluded at Loudun,* and published under the form of an edict, it was ordained that the decree for the suppression of the remonstrances should remain without effect, that the rights of the supreme courts should be fixed by an agreement between the council of the King and the Parliament, that the King should give his answer within three months to the *cahiers* of the States-General, and in the same space of time to the famous article of the *Tiers Etat* upon the independence of the crown.† But all these stipulations of public interest ended in words; there was nothing executed but the secret clauses, which granted to the chiefs of the revolt places of security, honours, and six million francs to divide among them. The malcontents, satisfied by these means, were reconciled to their enemies at court, and matters fell

he has still granted and promised that if in the said cities he continues after the said time to keep garrisons there, or to leave a governor there in command, that he will not dispossess him who shall be there, provided it be to put another in his stead. (Articles annexed to the Edict of Nantes, Dumont, *corps diplomatique*, t. v., ire partie, p. 557 and 558.)

* The 6th of May, 1616.

† See the edict delivered at Blois in the month of May, 1616. *Recueil des anciennes Lois Francaises*, t. xvi., p. 83.

again into the same train of disorder and anarchy as before. The Government, divided and neutralised by the cabals, which quarrelled for it among themselves; a sort of plot, to reduce France to what she was previous to the reign of Henry IV.; attempts which made some remark with a foolish exultation, others with a profound sorrow, that the time of the kings was passed, and that of the nobles had arrived;* the ever ready threat of a dissolution of the administration, and of a dismemberment of the kingdom by the intrigues of the ambitious united to those of the foreigner; these form the spectacle which was offered in the midst of its changes by the government of Louis XII., till the day when a Statesman, marked out in the destinies of France to resume and achieve the political work of Henry the Great, after having glided into power under the shadow of a patronage, seized upon the direction of affairs by main force, by the right of genius.

Cardinal Richelieu was not so much a minister, in the precise sense of the word, as a person invested with the whole power of the crown. His preponderating influence in the council suspended the exercise of the hereditary power, without which the monarchy must cease to exist; and it seems as if that may have taken place in order that the social pro-

* *Mémoires de Sully*, collection Michaud, 2e Serie, t. ii. p. 388.

† 1624.

gress, violently arrested since the last reign, might resume its course at the instigation of a kind of dictator, whose spirit was free from the influences which the interest of family and dynasty exercises over the characters of kings. By a strange concurrence of circumstances, it happened that the weak prince, whose destiny it was to lend his name to the reign of the great minister, had in his character, his instincts, his good or bad qualities, all that could supply the requirements of such a post. Louis XIII., who had a mind without energy but not without intelligence, could not live without a master; after having possessed and lost many, he took and kept the one, who he found was capable of conducting France to the point, which he himself had a faint glimpse of, and to which he vaguely aspired in his melancholy reveries. It might be said that, beset by the idea of the grand objects which his father had accomplished and designed, he felt himself oppressed by the weight of immense responsibilities, which he could not discharge except at the sacrifice of his liberty as a man and a King. Groaning sometimes under this yoke he was tempted to free himself from it, and then immediately resumed it, overcome by the conscientious sense which he had of the public good, and by his admiration of the intellect, whose magnificent plans promised order and prosperity at home, power and glory abroad.*

* See the *Testament Politique* of the Cardinal de Richelieu.

In his attempts at innovation, Richelieu, as simple minister, much surpassed the great king who had preceded him, in boldness. He undertook to accelerate the movement towards civil unity and equality so much, and to carry it so far, that hereafter it should be impossible to recede. After the death of Philippe le Bel, the regal power had drawn back in its revolutionary undertaking, and bent beneath a reaction of the feudal aristocracy. After Charles V. there was a backward movement of the same kind; the work of Louis XI. had been nearly lost in the depth of the troubles of the sixteenth century; and that of Henry IV. was compromised by fifteen years of disorder and weakness. To save it from perishing, three things were necessary: that the high nobility should be constrained to obedience to the king and to the law; that Protestantism should cease to be an armed party in the State; that France should be able to choose her allies freely in behalf of her own interest and in that of European independence. On this triple object the king-minister employed his powerful intellect, his indefatigable activity, ardent passions, and an heroic strength of mind.* His daily life was a desperate

* When your Majesty decided upon admitting me at the same time into your counsels, and a great share of your confidence in the direction of your affairs, I can say with truth that the Hugonots divided the government with you, that the nobles conducted themselves as if they had not been subjects, and the most powerful governors of the provinces as if they had been supreme in their offices. . . . I can say, further, that

struggle against the nobles, the royal family, the supreme courts, against all that existed of high institutions, and corporations established in the country. For the purpose of reducing all to the same level of submission and order, he raised the royal power above the ties of family and the tie of precedent; he isolated it in its sphere as a pure idea, the living idea of the public safety and the national interest.*

From this exalted principle he deduced an impassible logic and relentless severities in his exercise of the supreme power. He was as destitute of mercy as he was of fear, and trampled underfoot the respect due to judicial forms and usages. He had sentences of death pronounced by commissioners of his own selection: at the very foot of

the foreign alliances were despised; particular interests preferred to public; in a word, the dignity of your royal Majesty was so lowered, and so different from what it ought to be, by the fault of those who had then the principal conduct of our affairs, that it was impossible to recognise it. (*Testament Politique* de Richelieu, i^re^ partie, p. 5, Amsterdam, 1788.)

* The public interests ought to be the sole object of the prince and of his councillors. (Ibid, 2e partie, p. 222.)—To believe, that because they are sons, or brothers of the King, or princes of the blood, they can trouble the kingdom with impunity, is to deceive themselves. It is more reasonable to consider the security of the kingdom and the royal power, than to have regard to their positions. . . . The sons, brothers, and other relations of the King's are subject to the laws as much as the rest, and especially when it is a question of high-treason. (*Mem. du Cardinal de Richelieu*, collection Michaud, 2e serie, t. viii., p. 407.)

the throne he struck the enemies of the public interest, and at the same time of his own fortune, and confounded his personal hatreds with the vengeance of the State. No one can say whether or not there was deceit in that assurance of conscience which he manifested in his last moments:* God alone could look into the depth of his mind. We who have gathered the fruit of his labours and of his patriotic devotion at a distance of time—we can only bow before that man of revolution, by whom the ways which led to our present state of society were prepared. But something sad is still attached to his glory: he sacrificed everything to the success of his undertaking; he stifled within himself and crushed down in some noble spirits the eternal principles of morality and humanity.† When we look at the

* The priest asking him if he forgave his enemies, he replied that he had none except those of the State. (*Mém. de Montglat*, collection Michaud, 3e série, t. v. p. 133. See also *Mém. de Montchal*, Rotterdam, 1718, p. 268.)

† Cardinal Richelieu turned into crimes that which constituted the virtues of the Mirons, Harlays, Marillacs, Pibracs, and Fayes in the past century. Those martyrs of the State, who, by their good and holy principles, did more to dissipate factions than the gold of Spain and England did to produce them, were the defenders of the doctrine for the maintenance of which the President Barillon was imprisoned by Cardinal Richelieu at Amboise, and it is he who began to punish magistrates for having advanced truths in behalf of which their oaths oblige them to expose their very lives. (*Mém. du Card. de Retz*, Collect. Michaud et Poujoulat, p. 50.)

great things which he achieved, we admire him with gratitude; we would, but we cannot, love his character.

The most daring innovators perceive that they need the support of public opinion. Richelieu, before he put his political plans into execution, wished to submit them to the test of a solemn debate, in order that they might be returned to him confirmed by a sort of national sanction. He could not entertain an idea of the States-General: as a member of them in 1614, he had seen their mode of proceeding, and, besides, his notions of absolute authority were repugnant to those great meetings; he looked for the moral support which he desired to an assembly of notables. In the month of November, 1626, he convoked fifty-five persons of his own choice—twelve members of the clergy, fourteen of the nobility, and twenty-seven of the supreme courts, together with a treasurer of France and the *prévôt des marchands* of Paris. Gaston, the King's brother, was president, and the Marshals De la Force and De Bassompierre vice-presidents of the Assembly; but the nobles who had seats in it, councillors of State for the most part, belonged to the Administration rather than to the Court. There was not included a single duke, peer, or governor of a province.*

Richelieu himself developed before this meeting of

* The opening session took place on the second of December, in the grand hall of the Tuilleries.

chosen persons, of whom the members of the *Tiers Etat* formed more than half, the whole plan of his domestic policy.* The initiative of the measures proceeded from the Government, not from the Assembly; one spirit alone pervaded all, the questions as well as the replies; and in the work, of which the *cahier* of the votes was the result, it would be impossible to decide what share belonged to the minister and what to the notables. Principles of administration in conformity with the spirit of society and with the future destiny of France were laid down by common consent: the assessment to the taxes was required to be such as would not aggrieve the productive and suffering classes; as the mainspring of the prosperity of the nation lies in its industry and commerce, it ought to be provided that that department be made more considerable and held in respect; it was laid down as necessary that the power of the State should have as its base a standing army, in which the promotions should be accessible to all, and which should spread the military spirit in the other classes of the nation as well as the nobles. With respect to the measures promised or required, the chief had for their object the lowering of the expenditure of the State to the level of its receipts, and the reduction of the unproductive expenses to the encouragement of the productive; the

* See his speech, and that of Marillac, the keeper of the seals, in the *procès verbal* of the Assembly of 1626. *Des Etats généraux*, &c., t. xviii., p. 207 and following.

increase of the maritime forces, with a view to foreign commerce; the establishment of great commercial companies, and the resumption of the great projects of forming canals in the interior: the security of the industrious guaranteed against the want of discipline among the soldiery, by the strictness of the police and the regularity of payment; lastly, the destruction in all the provinces of the fortresses and castles not available for the defence of the kingdom.*

The assembly of the notables separated on the 24th of February, 1627, and a commission was immediately named to draw up the reforms which had been recently promised, and those which were intended to meet the requirements of the *cahiers* of the States of 1614, into one body of laws. At the same time the most material and not the least popular of these reforms, the demolition of the fortresses, the quarters of the factious nobles and the soldiery of the civil wars, was commenced. At each decisive epoch of the progress towards the national unity, this kind of destruction had taken place by the authority of the kings. Charles V., Louis XI., and Henry IV. attacked the strongholds in order to check the feudal spirit; in this, as in everything, Richelieu made a vast step towards completing the work of his predecessors. The

* In the *Recherches* of Forbonnais, t. i., p. 205, see the extracts which he gives of the resolutions of the Assembly; see also the declaration of the King on the first of March, 1627; *Des Etats Généraux*, &c., t. xviii., p. 292 and following.

measures necessary for what we may call the political levelling of the French soil, were intrusted by him to the zeal of the provinces and municipalities, and from one end of the kingdom to the other, masses of the people rose to pull down the battlemented walls, the resorts of tyranny and brigandage, which from generation to generation they had learnt even as children to curse. According to the vivid expression of a distinguished historian, "the cities assailed the citadels, the rural districts the castles, each of them the object of its hatred." But that order which frequently marks the depth of popular sentiments presided over this great execution which the country performed upon itself; no wanton destruction was committed; the fosses were filled up, the forts rased, with the bastions and everything that supplied a means of military defence—that which could only remain as a monument of the past was left standing.

During this time the commission of legislative reform pursued its work under the presidency of Marillac, the keeper of the seals. The result of it was the ordinance of January, 1629, which was equal in merit, and superior in comprehensiveness to the great ordinances of the sixteenth century. This new code consisted of not less than four hundred and sixty-one articles. It reached all the departments of legislation: civil law, criminal law, general police, ecclesiastical affairs, public instruction, justice, finance, commerce, army, navy. Inspired at once by the national desire,

and by the genius of Richelieu, it bore the stamp of that genius, although the great minister did not condescend to assume any share in it, and the opposition of the parliament, raised against that work of deep wisdom, attached to it, by applying a humorous sobriquet, another name than his.*

The object of the ordinance, or rather the code of 1629, was to meet at once the claims of the last States-General, and those of the two assemblies of notables.† Among the provisions adopted in accordance with the *cahiers* of 1615, the greater part were formed upon that of the *Tiers Etat*. I shall not make an analysis of them, I shall only observe that in many cases the provision does not come up to, or diverges slightly from, the claim. We perceive that the legislator is studying to conciliate the divergent interests of the orders, and that he is anxious to limit the reform within certain bounds. If the suppression of those feudal privileges, which were enjoyed without a title, and of service which was unduly exacted, was

* The lawyers pretended to ridicule the ordinance of 1629 by calling it *Code Michaud*, from the christian name of its compiler, Marillac, the keeper of the seals. (Upon the parliamentary opposition to this ordinance, see the *Memorials of the Cardinal de Richelieu*, Collect. Michaud et Poujoulat, 2e série, t. vii., p. 587 and following.)

† That of 1617, of which I have not made mention, and that of 1626.—Ordinance upon the petitions of the States assembled at Paris in 1614, and of the Assembly of notables who met at Rouen and at Paris in 1617 and 1626. (*Recueil des Anciennes Lois Françaises*, t. xvi., p. 223 and following.)

granted to the *Tiers Etat*, its wish for the enfranchisement of property held in mortmain was not met.* The time of free landed estates was not yet come; that of free cities was passed. The ordinance meets the claim for the emancipation of the municipal government only by evasive terms, and it takes upon itself to decree the uniformity of that government: it requires that all the civil corporations be reduced, as soon as possible, to the model of that of Paris.† To these tendencies towards national unity it joined others not less propitious to the national development. It introduces into the army the democratic principle, by the power given to all of rising to every post; it relaxes in favour of the nobility the ties which bound them exclusively, under penalty of forfeiting their rank, to the profession of arms; it attracts the high

* Ordinances of 1629, article 206 and 207.—See above, Chapter viii., the analysis of the *cahier* of 1615.

† We ordain that the elections of the Prévôts des marchands, mairies, échevins, capitouls, jurats, consuls, procureurs, syndics, . . . and other offices of the cities be filled in the accustomed manner, without interest and monopoly, by persons most suitable and capable of exercising such offices for the benefit of our service, the repose and security of the said cities.—And, in order to maintain our subjects in the greatest order and tranquillity, we will and ordain that the corporations and town-halls, and the manner of their assemblies and administration be reduced throughout our kingdom, as far as possible, to the form and manner of that of our good city of Paris. . . . (Ordinance of 1629, article 412.)

*bourgeoisie* from the ambition of holding the offices of government, towards the interests of commerce; it invites the whole nation to press forward along the ways of active industry. We here give the text of three of these articles:—

"The soldier shall have the power of rising to the appointment and command of companies by his services, from rank to rank, up to that of captain, and still higher, if he proves himself worthy of it." *

"In order to invite our subjects of every rank and condition to apply themselves to commerce and traffic by sea, and to let them know that it is our intention to raise and honour those who will thus occupy themselves, we ordain that all nobles who, either in their own persons or by agents, shall take a share in vessels, their goods and merchandise shall not forfeit their rank. . . . And that those who are not nobles shall enjoy the privileges of nobility after they have kept up a vessel of two or three hundred tons for five years, so long as they shall continue to keep up the said vessel, provided they had it built in our kingdom, and not otherwise; and in case they die in the trade, after having continued it for fifteen years, we will that their widows enjoy the same privilege during their widowhood; as also their children, provided one of them continues the business of the said trade, and the maintenance of a vessel for the period of ten years. We will, moreover, that the wholesale traders who

* Ordinance of 1629, article 229.

hold warehouses without selling by retail, or other merchants who shall have been *échevins*, consuls, or wardens of their companies, be able to take the rank of nobles, and have precedence and place in all public and private assemblies immediately after our lieutenant-generals, counsellors of the presidial courts, and our *procureurs généraux* of the said courts, and other royal judges who shall be on the spot."*

"We exhort our subjects, who have means and assiduity for the purpose, to join and unite together to form good and safe companies and associations for commerce, navigation, and trade, in the manner that they shall see best. We promise to protect and defend them, to give them encouragement by special privileges and favours, and to maintain them in every way that they shall desire for the advantageous conduct and success of their trade."†

All the social ameliorations that could possibly be made applicable to his time were effected by Richelieu, whose intellect embraced everything, whose practical genius omitted nothing, while, with a marvellous ability, he passed from generals to particulars, and from theory to practice. Conducting a multitude of affairs, both great and small, at the same time, and with the same zeal, everywhere present in person or in influence, he possessed, in an unique degree, universality and freedom of mind.

* Ordinance of 1629, article 452.
† Ibid, article 429.

Though a prince of the Roman Church, he was desirous that the clergy should be national; though a conqueror of the Calvinists, he struck the blow only at their rebellion, and respected their rights of conscience.* Of noble birth, and imbued with the pride of his order, he acted as if he had received a commission to prepare the way for the reign of the *Tiers Etat.* The ultimate aim of his domestic policy was that which aggrandised and tended to unclass the *bourgeoisie*—namely, the progress of commerce and literature, the encouragement both of manual and intellectual labour. Richelieu did not recognise below the Crown any position equal to his own, save that of the writer or the thinker; he wished that a Chapelain or a Gombauld should converse with him on terms of equality. But while by grand commercial schemes and a noble literary institution† he was multiplying places in the State, besides appointments in the courts, in favour of the middle classes, he depressed the ancient liberties of the cities to the level made by an unlimited power. Individual States,

* In the conditions of the treaty of Alais, 28th of June, 1629, the edict of Nantes was confirmed, and solemnly sworn to by the King.

† See the letters-patent of January, 1635, for the establishment of the French academy; the letters for creating the office of superintendent of the navy and navigation, October, 1626; the letters of July and November, 1634; and the edict of March, 1642, for the formation and support of a West Indian Company. (*Recueil des anciennes Lois Françaises*, t. xvi., p. 418, 194, 409, 415, et 540.)

municipal constitutions, all that countries associated under the crown had stipulated for as rights, all that the *bourgeoisie* had created in its heroic days —he trod them all down lower than ever. This was not effected without sufferings to the people—sufferings unfortunately inevitable, but not the less acutely felt on this account—which accompanied from crisis to crisis the birth of our modern civilisation.

With regard to the foreign policy of the great minister, this part of his work, which is not less admirable than the other, has in addition the singular merit of never having lost any of its virtue by the lapse of time or the revolutions of Europe—of being as vigorous and as national after two centuries as on its first day. It is the same policy which since the fall of the empire and the restoration of constitutional France has not ceased to form, if I may use the expression, a part of the conscience of the country. The maintenance of independent nationalities, the enfranchisement of those which are oppressed, respect for the natural ties which form the community of race and language, peace and friendship with the weak, war with the oppressors of general freedom and civilisation, all those duties which our democratic liberalism imposes on itself, were implicitly comprised in the plan of foreign policy which was dictated to a king, by a statesman whose ideal of domestic policy was that of absolute power.*

* It will be seen with what words of sympathy for the

Upon the question of the rights of France to an enlargement of territory, by which she may obtain her definite frontiers, a question frequently proposed for three centuries, and still pending at the present time, Henry IV. said, I heartily wish that those who speak the Spanish language may remain to Spain; those who speak the German to Germany; but all those who speak the French ought to belong to me." * A contemporary of Richelieu, perhaps one of his confidants, represents him as saying, "The aim of my ministry has been this: to re-establish the natural boundaries of Gaul, to identify Gaul with France, and to make modern Gaul co-extensive with ancient."† From these two principles, combined to-

cause of European emancipation I express his interference in the affairs of Italy, Germany, and the Low Countries. At each military or diplomatic occurrence, the business is to enfranchise a prince or a people from the *oppression of the Spaniards*, from the *tyranny of the house of Austria*, from the terror caused by the *insatiable greediness* of that house, *the enemy to the peace of Christendom*, to arrest *its usurpations*, to make it *give up what it had usurped* in Switzerland or in Italy, to guarantee *all Italy* from its *unjust oppression*, to watch over the *safety of all Italy*, to save and secure against the house of Austria the rights of the princes of the empire. (*Testament Politique du Cardinal de Richelieu*, i^re partie, Chap. i^er., p. 9, 10, 14, 15, 18, 24, 25, and 26.)

* *Histoire du règne de Henri le Grand*, by Mathieu, t. ii., p. 444.

† Hic ministerii mei scopus, restituere Galliæ limites quos natura præfixit . . . confundere Galliam cum Franciâ, et ubicumque fuit antiqua Gallia, ibi restaurare novum. (*Testamentum politicum*, ap. Petri Labbe Elogia sacra, &c.,

gether and modifying each other, will proceed, when the proper season shall arrive, the final settlement of the extent of the French soil as possessed by us, by a legitimate and perpetual title in the name of the two-fold right of nature and of history.

The conception of a new political system of Europe, founded upon the balance of rival powers, and in which France should exercise, not for her own advantage, but for the maintenance of the common independence, the ascendancy which had been carried off by Spain—this conception of Henry the Great, which vanished like a dream at his death, was carried into effect by Richelieu by means of negotiations and victories. When the minister of Louis XIII. died, worn out with patriotic labours,* the work was almost completed; perseverance and tact, joined to striking successes in war,† brought about in less than five years the fundamental act of European reorganization, the glorious treaty of Westphalia.‡ This part of the work of the great statesman, his foreign policy, is

ed. 1706, p. 253 and following.) The work which contains these remarkable words, and which appeared less than a year after the death of the Cardinal, is an eulogium, interspersed, according to all appearance, with words taken as they are reported from his lips. Richelieu loved to open himself to his friends; he dictated much to those who surrounded him, and, as has been seen in the case of Napoleon, curious persons took notes of his conversations.

* The fourth of December, 1642.

† The victories of Rocroi, Nordlingen, and Lens.

‡ Signed at Munster, the 24th October, 1648.

that which was best understood in his own times, and appeared to eminent minds pure without alloy:* with regard to the rest there was doubt or repugnance. Public opinion reacted against the revolutionary action of his power, as it did after the reign of Louis XI. The very classes which were destined to profit most from the levelling of the aristocratic privileges and the order imposed on all alike, were less struck with the future which was prepared for them, less sensible of the excellence of the object, than indignant at the violence of the means employed, and shocked by the excess of arbitrary power.

This reaction of the *Tiers Etat* against the ministerial dictatorship, that is to say, against the boldest innovations that had been introduced in the exercise of the royal power, was that which caused and fed the civil wars of the Fronde. I here approach one of the most curious and at the same time best-known events

* Voiture, in one of his letters, placed himself, in order to judge of Richelieu while still living, at the point of view from which posterity would regard him "when, in two hundred years hence, those who come after us shall read in our history that Cardinal Richelieu . . . . If they have a drop of French blood in their veins, and any love of the glory of their country, shall they be able to read these things without a feeling of admiration of him; and, in your opinion, will they love or esteem him less, because that in his time the revenues shall be paid in a little later at the Hotel de Ville, or that some new officials shall have been placed in the Court of the Exchequer? All great things are expensive." (*Letter* lxxiv., edition of 1704, p. 179.)

of the seventeenth century, an episode vividly touched upon in Memoirs which are read by everyone, and in our times studied deeply by some distinguished writers;* I shall not even make a summary of it; the plan of this essay is to pass quickly over the points where history speaks, and to pause over those where she is silent. In the four years which are occupied by the movement of the Fronde, there are two distinct epochs: the one presents, externally at least, the characteristics which are peculiar to the constitutional revolutions of modern times; the other does little else than reproduce the aspect of the troubles of the reign of Louis XIII., and some traces, almost effaced, of the troubles of the League. The first alone completely enters into the history of the *Tiers Etat*, and must occupy an important place in it; and it is to this that I shall confine my remarks.

It is known under what circumstances the four supreme courts, that is to say, the Parliament, the Court of Exchequer, the Court of Aids, and the Great Council, leagued together, in the month of June, 1648, to resist the royal power, exercised during the minority of Louis XIV. by his mother and Cardinal Mazarin. It is known that that coalition of the judicial bodies, which was formed, in the name of their private interest, for the maintenance of the annual pay-

* M. de Saint-Aulaire, *Histoire de la Fronde;* and M. Bazin, *Histoire de France sous le ministère du Cardinal Mazarin.*

ment free from all deduction,* soon applied itself to the defence of the public interests and the reform of the state. The signal of opposition given by the chief magistracy rallied round it all that had suffered, or were still suffering from the dictatorial government, which was imposed on France by Richelieu, and continued to be maintained after him, without his power of mind and talent.† Not only were wounded interests aroused, but opinions, consciences, passions, a multitude of various elements, the remains of the past or the germs of the future, contributed to this

* This payment, the condition on which the right of inheritance to appointments rested, was only established for a period of nine years. At its expiration in 1648, the edict, by which it was renewed for the ordinary term, imposed upon the officers of the corporations the deduction of four years' salary.

† Since the death of Louis XIII. of happy memory, although the princes, grand seigneurs, and officers, in consequence of their reminiscences of the enormous acts of injustice and intolerable evils which have been done to them, and to the whole kingdom, by those who had invested themselves with the absolute power near the King's person, under the name of first minister of State, have protested loudly that no individual should be any more allowed thus to raise himself upon the shoulders of the King, and for the oppression of the people; nevertheless, by the too great forbearance which they have had, it is come to pass that a foreigner named Jule Mazarin has installed himself in this supreme office. (*La Requête des Trois Etats presentée à M.M. du Parlement, en* 1648. (A Pamphlet of the day.) *Mémoires d'Omer Talon,* collection Michaud, 3e serie, t. vi., p. 316.)

fermentation of feelings. The just grievances of the people, overwhelmed with taxes, and the rancour of the nobility whose privileges had been diminished; the traditions of liberty, both of the States-General and the provinces or cities, and the idea of a superior liberty, drawn from classical studies and the progress of modern intelligence; a want more or less vaguely recognised of legal guarantees and a regular constitution; lastly, the working of minds which were stimulated by the example then offered by England,—such were the united springs of action which gave to the events of the first Fronde* their character of power and novelty; such was the source which gave rise to a change in the character of the conflict, which was so frequently excited between the court and those who possessed the right to the appointments in the judicature.

With regard to the celebrated act, which resulted from the deliberations of the sixty deputies of the supreme courts, and which was like a charter of rights imposed upon the royal power under the form of a decree of the parliament;† its importance, in whatever way it may be judged, cannot be overlooked. As to its form, it was an usurpation of the legislative power, attempted by means of the tradi-

* That of 1648 and 1649.

† Deliberations decreed in the assembly of the supreme courts, held and commenced in the chamber of St. Louis, the 30th of June, 1648. (*Recueil des anciennes Lois Françaises*, t. xvii., p. 72, and following.)

tional privilege of remonstrance; as to its real grounds, this kind of fundamental law was in accordance with our modern charters, in giving express guarantees against arbitrary taxation and arbitrary detention of person. Its text conveys,—"no imposts and taxes shall be made, except by virtue of edicts and declarations fully and duly confirmed in the supreme courts, with liberty of votes. . . . None of the king's subjects, of whatever rank and condition he may be, shall be allowed to be detained prisoner beyond twenty-four hours without being examined according to the ordinances, and handed over to his proper judge."* Besides the veto in questions of finance, the supreme court assumed the same right on the creation of new offices; and thus armed against every law which might have modified their composition, they became in fact the first power of the state.†

If—a thing impossible—the crown, then vanquished, had resigned itself to such conditions, the govern-

* *Deliberations des Cours Souveraines*, &c., articles 3 and 6.—The third article pronounced the penalty of death upon every person employed in the assessement or in the recovery of taxes not verified; the sixth article was called, the *article of public security*.

† That there shall be no creation of offices allowed for the future, whether in the judicature or exchequer, except by edicts confirmed in the supreme courts with the full freedom of votes, for any cause and occasion, or under any pretext whatever, and that the ancient establishment of the said supreme bodies shall not be allowed to be changed or altered. Ibid, article 19.)

ment of France would have become a monarchy, modified by the legal action of the judicial corporations elevated into political powers. It cannot be a subject of doubt at the present day, that the establishment of such a power, more regular than an unlimited monarchy, would have been less beneficial to the future interests of the country than that monarchy. In this rough sketch of revolution, that which it displays in common with our feelings, is the spirit which inspired it for a moment, the democratic instinct which certain pamphlets of the day disclose, and which pervades the speeches which were delivered by the members of the parliament. In the speech of one of the most moderate we find such maxims as these: Kings are the equals of other men, according to the common principle of nature; it is their authority alone which distinguishes them. The authority which sovereigns possess depends upon the submission of their subjects. Kings are responsible for their position and their power to the various classes of men who obey them, and of whom the nobles form the smallest portion. The duties of magistrates, the industry of artisans, the endurance of soldiers, the labour of all who work, contribute to the establishment and the preservation of the crown. Without the people governments could not exist, and the monarchy would be only an idea.*

* *Mémoires d'Omer Talon*, Collect. Michaud, 3e serie, t. vi., p. 259.—I have here and there slightly altered the

According to the constant course of revolutions there was in the Fronde a moment of crisis, when the government, remitting its resistance, made some imperfect concessions, and when a formidable voice, that of the public, replied, It is too late.* It was then that the violence of action succeeded to the legal struggle, and after a stroke of policy on the part of the court, that day of insurrection occurred in Paris, which, renewing one of the most famous of the League, was likewise called *the day of the barricades.* A similar name calls forth at a later date on the page where it figures in history, more than the interest of curiosity, for it brings home to ourselves reminiscences of anguish and mourning. In reading the circumstances of the 27th of August, 1648, as described in the memoirs of the time, we pause with melancholy thoughts when we meet with details of the following kind, "Everybody, without exception, took up arms; children of five or six years old were seen with daggers in their hands; mothers were seen who themselves supplied their children with them; there were more than twelve hundred barricades

original text, in order to render it clearer, by freeing it from its oratorical form, or phrases a little antiquated.

* See the edicts delivered in the course of July, 1648, and especially the declaration of the King, confirmed in the Parliament on his bed of justice the last day of the month, and entitled, "Reglement sur le fait de la justice, police, et finances, et le soulagement des sujets du roi." (*Recueil des anciennes Lois Françaises*, t. xvii., p. 84, and following.)

erected in Paris in less than two hours, lined with flags and with all the arms which the League had left fit for use. In the street Neuve Nôtre Dame, among other things I saw a lance which certainly belonged to the times of the old wars with the English, dragged along rather than carried, by a little boy eight or ten years old."*

But if the arms of the Leaguers, then seen again in the hands of the people of Paris, were old, it was at the voice of new passions and in behalf of new principles; the popular spirit of 1618 belonged less to the past than to the future. A power entirely plebeian and purely political had just raised itself in the face of

* *Mémoires du Cardinal de Retz*, Collect. Michaud, 3e série, t. i., p. 67. The appearance of Paris could scarcely be recognised; all the population, young and old, even little children from twelve years old, had arms in their hands. . . . We observed from the palace to the Palais-Royal eight barricades made by chains stretched across the places where they were required, by beams placed crosswise, by barrels filled with pavement, earth, or stones; besides, almost all the approaches by the cross-streets were likewise barricaded, and at each barricade a guard consisting of twenty-five or thirty men, armed with all kinds of weapons. All the citizens said boldly that they were in the service of the Parliament. . . . . It was strange to hear the officers of the household say in the very palace of the King, "All is right—they will give you your counsellors." And in the French guards, the soldiers openly declared that they would not fight against the citizens, and that they would lower their arms, so great w the contempt of the government. (*Mémoires d'Omer Talon*, Ibid, t. vi., p. 265—266.)

the royal power, not in order to conquer it on this occasion—the time was not yet ready for that—but almost immediately to settle down into itself, to gain uninterrupted strength by the toil of thought, and to reappear with an irresistible force in the days of 1789.

The royal declaration of October the 24th, 1648,* marked for the Fronde a second moment of crisis, corresponding with that point which revolutions reach, when the government accepts the agreements which necessity imposes upon it, but without real submission to circumstances and without good faith. A halting time full of distrust and uneasiness led to the extreme period of the revolutionary movement, to the usurpation of all the authority in Paris, by the parliament having for its auxiliaries the municipal magistrates. The measures which were then taken in the name of the public safety; the raising taxes and regular troops, the organization of the defence and the police of the city; the appeal of the federative union, addressed to all the parliaments and cities of the kingdom, prove that the coalition of the magistracy was wanting neither in boldness nor energy;†

* The declaration of the King, regulating the conduct of justice, police, finance, and relief of the subjects of his Majesty. (*Mémoires d'Omer Talon,* Collection Michaud, 3e serie, t. vi., p. 293.) This ordinance is merely the confirmation of the articles deliberated upon in the chamber of Saint Louis. (See above, p. 242.)

† Next the court deliberated on the means of the public safety, and for that purpose decreed to raise a million

its onward progress continued as long, as nothing but the excited sympathies of the *bourgeoisie* and the people was required to aid it; the rock on which it made shipwreck was the alliance which the force of circumstances obliged it to make with the interests and passions of the great nobles. The effect of that assistance, more than dangerous, was to draw it away from the ways of integrity and patriotism; when this was perceived it recoiled. It was to the honour of the Parliament that it replied with indignation and disgust to those who proposed to give the support of the enemies of France to the popular cause. Constrained

francs. (*Mémoires d'Omer Talon,* Ibid., t. vi., p. 321.)—Decree of Parliament which declares Cardinal Mazarin an enemy to the King and the State, and orders troops to be raised, 8th January, 1649.—Ditto, forbidding all captains and soldiers to approach within twenty leagues of Paris, and enjoining on cities, boroughs, and communes to come up to prevent them, 10th January.—Ditto, ordering the use of private property necessary to fortify the faubourgs of Paris by intrenchments, 12th January.—Letter of the Parliament of Paris to the other Parliaments of the kingdom, 18th January.—Letter to the baillis, sénéchaux, maires, échevins, and other officers of the kingdom, the same date.—Decree of the Parliament of Paris, which orders that all the public funds within its jurisdiction shall be paid into the coffers of the Hotel de Ville, 29th January.—Decrees by which it declares its junction with the Parliaments of Provence and Normandy, 28th January, and 5th February. (*Recueil des anciennes Lois Françaises,* t. xviii., p. 115, 118, 119, 121, 141, and 155; *Registres de l'Hôtel de Ville de Paris pendant la Fronde,* publiés par M.M. Leroux de Liney et Douet d'Arcy, t. i^er^, p. 129 and 155.)

to choose between an unyielding opposition and the duty of a wholly loyal citizen, it did not hesitate; it made its peace with the court, rather than make a compact with Spain.*

A singularly remarkable fact in the history of the Fronde is the contemptuous reception which the common classes gave to the convocation of the States-General summoned for the 15th of March, 1649.† That appeal of the royal power to the national authority of the three orders, whom it took as umpire in its quarrel with the Parliament, was listened to by the nobility, but not by the *Tiers Etat;* neither the *bourgeoisie* nor the rural population attended at the elections—their political faith was no longer there; undeceived as to the purity of those assemblies, where the privileged classes counted two voices to one, they preferred making a new experiment, under the conduct of the magistrates of their own order.‡ The munici-

* 11th March, 1649.

† See the circular letter of the King for this convocation, 23rd January, *Recueil des anciennes Lois Françaises,* t. xvii., p. 144. See also the letters of 4th April, 1651, ibid., p. 241 and 242.

‡ A decree of the Parliament of Britanny touching the convocation of the States-General, and that of the particular States of the province, is as follows:—"The court . . . has decreed that the King shall be humbly petitioned to allow that the order observed from time immemorial for the convocation of the States-General be inviolably kept, and that they be only assembled by letters-patent certified by parliament, and to suspend the holding of the States of the province; and, meanwhile, (the court) prohibits and forbids

pal corporations recognised the supreme authority of the Parliament;* that of Paris, with its *prévôt des marchands*, its *échevins*, its counsellors, its *syndics* of industrial corporations, its *quarteniers*, its colonels and captains of militia, formed the executive power for the administration of the laws which were made by the supreme body.† It is an employment not devoid of interest to follow, in the official registers, the acts of that power which seized upon the Bastille, and which partook in some degree of the character of the famous commune of Paris.‡

all persons, of whatever quality or condition they may be, to attend there, and to assemble under pretence of the said States." (*Recueil des anciennes Lois Françaises*, t. xvii., p. 160.)—There were only some imperfect elections, and the meeting of the States was adjourned indefinitely; after two years, and at the instance of the nobility, it was ordered afresh, with a new choice of deputies for the 8th of September, 1651. But this time, as the other, the elections, especially those of the *Tiers Etat*, did not take place throughout France. (See Ibid, p. 250, and following.)

* Among the cities whose adhesion was declared, may be reckoned those of Normandy, Provence, Poitou, Guyenne, Languedoc, Amiens, Péronne, Mézières, Mans, Rennes, Angers, Tours, and many others.

† The political decrees of Parliament were terminated with this formula:—Enjoined on the *Prévôt des Marchands* and *échevins* to see it executed; and the ordinances of the city in general bear this:—"Conformably to the decree of our Lords of the Court of Parliament." See the *Registres de l'Hôtel de Ville de Paris*, published by MM. Leroux de Liney, and Douet d'Arcy.

‡ Ibid., t. i[er], p. 102, 130, and *passim*.

It was, doubtless, a day of pride for the *bourgeoisie* of Paris, when a prince of the blood appeared before the municipal magistrates, and said that, having embraced their party and that of the parliament, he came to dwell among them, in order to occupy himself with their common interests;* when *grands seigneurs* took the oath as generals of the forces of the Fronde, and when women remarkable for rank and beauty installed themselves in the Hôtel de Ville as hostages for the fidelity of their husbands; but on that day the plebeian attempt against absolute power lost its character for dignity and originality—it began to be an imitation of that which was witnessed under the Regency of Marie de Medicis. All that the insurrection had of sincerity in its spirit and of gravity in its deportment disappeared, when factious courtiers, their morals, and their interests were admitted to have a place in it.

The peace concluded at St. Germain, on the 30th of March, 1649, between the court and the parliament,† closed that which may be called the logical period of the Fronde, that is to say, the point at which the movement of opinion and the revolutionary action departed from a principle—the need of

* The Prince de Conti. *Registres de l'Hôtel de Ville de Paris*, p. 118.

† See the treaty signed at Ruel the 11th of March, and the edict for the re-establishment of the public peace, enrolled the 1st of April. *Recueil des anciennes Lois Françaises*, t. xvii., p. 161 and 164.

fixed laws in order to advance towards an object of social interest—the establishment of guarantees against arbitrary power. The final act of that peace sanctioned afresh the great concession which had been already made, the interference of the parliament of Paris in public affairs, especially in questions of taxation. In this way the absolute system ceased, in order to make way for a system of judicial control; but that change, which enervated the whole administrative government, far from giving rise to a better state of things, and pacifying France, produced nothing but anarchy. It was the fate of the parliament in the two preceding centuries to excite in the nation desires of lawful liberty, and at the same time to be incapable of satisfying them by anything efficacious or real. In the first year of the Fronde, its part had a certain greatness, but the result showed that it had fallen from its dominant position, no longer directing, governing itself with difficulty, by turns violent and timid, the accomplice, in spite of itself, of the ambition of the nobles, which was allied to the passions of the multitude. Three years of civil war for mere questions of personal interest, a confusion of aristocratic plots and popular tumults, of madness and frivolity, the scandals of a shameless gallantry joined to those of the rebellion by selfishness, and an appeal made to the foreigner, glorious names suddenly sullied with the crime of treason to France,* lastly, a massacre contrived against

* Turenne and the great Condé.

the higher *bourgeoisie* by demagogues in the pay of princes*—such are the scenes which fill up and complete the history of the Fronde, from April, 1649, to September, 1652. Stupid or repulsive, they are sad to read, and still more to relate.

After a shock which, for the time it lasted, had extended little below the surface, French society settled down upon its new bases—the unity and absolute independence of the government. The principle of unlimited monarchy was proclaimed more undisguisedly than ever in the midst of a general silence;† and the work of Richelieu, maintained by a minister of less ability, was yet able to be passed intact from the hands of the last into the hands of a king. On the day on which Louis XIV. declared in council that he intended to assume the government in person,‡ fifty-one years

* Massacre at the Hôtel de Ville, 4th July, 1652.

† We have made, and make, very express prohibitions and interdictions to the members of our said court of Parliament hereafter to take cognisance of the general affairs of our State, and of the management of our finances, or to make any order and encroachment, on account of this, upon those to whom we have committed the administration of them, under penalty of disobedience; declaring from this time null and void everything which has been heretofore, or may be hereafter resolved upon and decreed upon this subject in the said body to the prejudice of these presents; and we decree that in this case our other subjects pay no attention to them. (*Declaration* of October 21, 1652; *Recueil des anciennes Lois Françaises*, t. xvii., p. 300.)

‡ The 9th of March, 1661.

had elapsed since the death of Henry IV., and in this interval, by means of the order which had been powerfully established or ably maintained by the ministerial dictatorship, the social and moral state of France had made immense advances. At its escape from the civil wars of the sixteenth century, the nation, henceforward withdrawn from the double current of religious passions, which had dragged it in opposite directions into the great European contest, fixed its thoughts upon itself, and applied itself to look for its original position in the political and intellectual order of things. Thence sprung for the seventeenth century, two simultaneous tendencies, which consisted, the one in rendering the influence of France free and personal abroad; the other in developing the French spirit in its peculiar individuality, and its native character.

In the preceding century, the revival of letters had been a movement of ideas common to the whole of civilised Europe; it plunged us, as well as neighbouring countries, into the study and imitation of antiquity; but it did not create for us a national literature—that work was to come later. It commenced as soon as the country had marked out its part as an European power; our language was fixed at the same time that the grounds of our policy were laid, and the reform of Malherbe was contemporaneous with the projects of Henry IV. While these projects were being accomplished by Richelieu and Mazarin, French intelligence discovered its proper courses, and marched along them

with a giant's step; it reached the highest of philosophic systems, the sublime in poetry, and the perfection of prose; it presented to the admiration of mankind three names of imperishable greatness, Descartes, Corneille, and Pascal.

To the revolution of ideas, which in France impressed philosophy, literature, and art with the national character,* was joined a revolution of manners. In the ardour of this new movement of intellectual life, we observe high polished society organising itself on an entirely new footing. Talent was henceforth reckoned in it as equal to all other distinctions; men of letters without birth entered it, no longer as domestics or *protégés* of princes and nobles, but from a personal claim. The conversation of both men and women, extended by fashion itself to subjects of the most elevated and important kind, founded that power of the *salons* which was to be exercised among us in concert with that of books.† In a word, the literary *bourgeoisie* gained in the world of leisure the influence which it already enjoyed in the world of business; it was mixed up with anything, and had in a manner its advanced posts everywhere.

From this class proceeded at once in the seventeenth century the political agitation caused by the

* The name of Poussin must be added to the three great names already cited.

† See the writing of Ræderer, entitled, *Mémoire pour servir à l'Histoire de la Société Polie en France.*

Fronde, and the religious agitation caused by Jansenism —an attempt at internal reform of Catholic dogma and discipline, a doctrine more strict in respect to belief, and more liberal in respect to authority—which was one of the moral springs of the revolt of the judicial corporations against the absolute power. This doctrine, without political weight, but rendered illustrious by the great characters and great minds which maintained it, holds a considerable though doubtful position in the history of the *Tiers Etat*.* Connected with the successive efforts of the parliamentary opposition, it supplied food to the spirit of discussion up to the middle of the seventeenth century, up to the time when that spirit was transported, with an unheard of audacity and power, into the sphere of philosophy, where, far above all tradition, it soared, to seek, in order to bring down into the law, the eternal principles of reason, justice, and humanity.

* See the work of M. Sainte-Beuve, entitled, *Port-Royal*.

## CHAPTER IX.

### LOUIS XIV. AND COLBERT.

Summary:—Development of our Social History from the Twelfth to the Seventeenth Century—Louis XIV. undertakes the Government in person. His character. Two parts in his Reign—Ministry of Colbert, his Plebeián Birth, his Genius—Universality of his plans of Administration—Grand Ordinances. Need of a long Peace—Passion of the King for War—His Conquests—Increasing favour of Louvois—Disgrace of Colbert—He dies, consumed by ennui, and unpopular—Revocation of the Edict of Nantes—Faults of the Reign of Louis XIV.—They all sprang from the same Source—Impression made by the Public Misfortunes—Change which it induced in the minds of Men—Nature and Extent of this Reaction.

The reign of Louis XIV. marks the last boundary in our history of the long social work as accomplished in common by royalty and the commons of the nation, a work of fusion and universal subordination, of national unity, of unity of power, and uniformity of administration. If from this culminating point we carry our view back as far as the reigns of Saint Louis and Philippe-Auguste, we appear to see unfolded before us one consistent plan, formed from the first, and towards the execution of which each century, since the twelfth, has made its contribution.

The succession of time makes a line of kings and ministers pass before us, employed on this grand work, and applying all that they had of mind and talent to the service of the same cause. We see the people, for whom they are labouring, and from whom they have derived the elements of their reforming power, sometimes outstripping them by their own efforts, always readily following them, and stimulating them without intermission by their voice in the States-General, by the opposition of the judicial corporations, by all the organs that existed of common right and public opinion. It is thus that by means of progressive mutations, absolute royalty was raised up, the symbol of French unity, the representative of the state, which was easily confounded with it. To this system, which was hostile to liberty as well as to privilege, and of which the second half of the seventeenth century shows us the splendid expansion, the nation had not been forcibly subjected, it had itself resolutely and perseveringly desired it; whatever reproaches may be made against it in the name of the rights of nature, or of historical rights, it certainly was not founded either upon force or fraud, but consciously accepted by all.

Such was the government, which after two ministries, that may be called reigns in reality,* was

* The ministry of Richelieu occupied eighteen years, from 1624 to 1642; and that of Mazarin nineteen years, from 1642 to 1661.

taken in hand by the son of Louis XIII., at scarcely twenty-three years of age. The young prince, till then a stranger to affairs, addressed these words to the chancellor and his colleagues in the first council which he held: "I have determined to be for the future my own first minister. . . . You will assist me with your counsels, when I shall demand them. . . . I pray and command you, my chancellor, to put your seal to nothing except by my orders. . . . And you, my secretaries of State, and you, sir, the superintendent of the finances, I order to sign nothing without my command."* This declaration included a promise of effective personal labour every day; Louis XIV. proved himself faithful to it during his whole life, and this is one of the characteristic traits and one of the glories of his reign.† Never did the head of a nation entertain a higher and more serious idea of what he him-

* *Mémoires de Henri-Louis de Brienne*, éd. Barrière, 1828, t. ii., p. 155. *Mém. de l'Abbé de Choisy*, Coll. Michaud, 3e serie, t. vi., p. 576, and *Mém. de Madame de Motteville*, ibid., p. 586.

† I imposed on myself, as a law, the duty of working twice every day, and two or three hours each time, with different persons, without reckoning the hours that I passed by myself in private, or the time that I might devote extraordinarily to extraordinary affairs, if anything unlooked-for occurred, not reserving a moment in which it was forbidden to speak with me, however little pressing they might be. (*Mém. de Louis XIV., adressés à son fils; Œuvres de Louis XIV.*, t. i., p. 20. Ibid, p. 19.)

self emphatically called the business of a king.* In this way the exercise of power, which, since the death of Henry IV., had been carried on only by delegation, was reunited to its principle, and royalty, reduced during half a century to the state of a mere idea, became again, if I may use the expression, a person. This revolution, which naturally simplified the sovereign authority, was joyfully hailed by the popular sympathy and hope; the termination was here beheld of those evils, which the people always impute to intermediate agents placed between the throne and the nation: no one at that time foresaw the vast and singular consequences.

Louis XIV., together with a rare dignity of character, possessed a sound understanding, the instinct of government and order, the talent for affairs even in their detail, a great power of application, and a remarkable strength of will; but he wanted the high range of view and the independence of mind which had placed Richelieu and Mazarin in the first rank of statesmen.

* A writing of Louis XIV., entirely in his own hand, is entitled, *Reflexions sur le Métier de Roi;* as the heads of Articles are found the following maxims: to refer everything to the good of the State; the interest of the State ought to have precedence; to think on everything; to have a watch over oneself. (*Œuvres de Louis XIV.*, t. ii., p. 456.) I shall have not only to tell you that it is by means of labour that kings reign, but for this that they reign; and there is something of ingratitude and impiety towards God, of injustice and tyranny towards man, to wish for the Government without the labour. (*Mém. de Louis XIV.*, Ibid., t. i., p. 19.)

His determination to act in every thing according to the rule of his duty, and to have no object but the public good, was profound and sincere. His Memoirs, which still exist, express this with an effusion of feeling sometimes affecting;* but he had not the strength always to follow the moral law which he imposed on himself. In wishing to make but one object of his own happiness and the welfare of the State, he was too much inclined to confound the state with himself, to absorb it into his own person.†

* I have always considered the satisfaction which is found in the discharge of duty as the sweetest pleasure in the world. I have even frequently wondered how it could be that the love of work being a quality so necessary for sovereigns, should yet be one of those most rarely found in them. (*Œuvres de Louis XIV.*, t. i., p. 105.) When I took the government of my kingdom, I considered well that my reputation would be at the mercy of all the world, who probably would not always render me justice. But as I only thought of acquitting myself well of all that I owe to my people and my own dignity, I despised all other glories in order to discharge my duty. I believed the first quality of a king to be firmness, and that he must never allow his virtue to be shaken by blame or praise; that in order to govern his State well, the happiness of his subjects was the pole which alone he ought to look to, without troubling himself about the tempests and various winds which might continually agitate his vessel. (Ibid., t. ii., p. 422.)

† Lastly, my son, we ought to consider the welfare of our subjects much more than our own. It seems that they form a part of ourselves, since we are the head of a body of which they are members. It is only for their own advantage that we should give them laws, and that power which we possess over them should only serve to make us labour more efficaciously

He too frequently mistook the voice of his passions for that of his duties, and the general interest, that which he boasted to love the most, was sacrificed by him to his family interest, to an ambition which knew no limits, and to an unregulated love of applause and glory.* His long life exhibits him more and more rapidly carried down this dangerous descent. We behold him, at first, modest, and at the same time firm of purpose, loving men of superior minds, and seeking the best advice;† next, preferring the flatterer to the man of information, welcoming advice, not because it was the soundest, but most conformable to his tastes; lastly, listening only to himself, and

for their happiness. (Ibid., t. i., p. 116) When they have the State in view, they labour for it. The good of the one forms the glory of the other. When the first is happy, elevated, and powerful, he who is the cause of it is glorious in consequence, and it follows that he ought to enjoy in a greater degree than his subjects, in respect both to him and them, all that is most agreeable in life. (Ibid., t. i, p. 457.)

* See the introduction to the beautiful work of M. Mignet, *Négociations relatives à la succession d'Espagne sous Louis XIV.*

† To deliberate at leisure upon all the most important matters, and to take counsel upon them with various persons, is not, as fools imagine, a proof of weakness or dependance, but rather a sign of prudence and stability of character. It is a surprising but, notwithstanding, a true maxim, that those who, from a wish to show themselves masters of their own conduct, are willing to take counsel in nothing, scarcely ever do anything as they desire. (*Œuvres de Louis XIV.*, t. ii., p. 113.)

choosing for his ministers men without talent or without experience, whom he took upon himself to form. Thus this reign, though justly considered glorious, offers very different phases; it may be divided into two parts, almost equal in point of time, the one of grandeur, the other of decline; and in the first may likewise be distinguished two periods, that of the successful years, in which all is made prosperous by a powerful will directed by a sound reason; and that in which the decline commences, from passion assuming the empire at the expense of reason.

It was the genius of a man of the *Tiers Etat*, Jean-Baptiste Colbert, the son of a trader, that gave the creative inspiration to the government of Louis XIV.* Colbert was minister twenty-two years, and

* Colbert's father was a cloth-dealer, at Rheims, where he kept a shop with the sign of the "Long Vêtu," and joined to that department a trade in linen, wine, and corn. There were many branches of his family equally devoted to the business, in which he himself served his apprenticeship, first in Paris, and afterwards at Lyons. When he returned to Paris he quitted the counter, and was successively clerk to a notary, clerk in an attorney's office at the Châtelet, clerk in the receiver's office of finance, which is called the board of escheats, private secretary to Cardinal Mazarin, and, lastly, intendant of his establishment. Mazarin, on his death-bed, recommended him warmly to the king. The following expression is found in the instructions which he wrote with his own hand for his eldest son: "My son ought to think deeply and reflect frequently upon what he would have been by birth if God had not blessed my labours, and if those labours had not been excessive." (See *l'Histoire de la Vie et de l'Administration*

during that period,* the best of the reign, the public prosperity was proportioned to the degree of influence which his mind exercised over the will of the king. That mind, in its inmost nature, was allied to that of Richelieu, for whose memory Colbert professed a genuine admiration.† From his entrance into office, he brought forward again the plans of the great minister, and proposed as his object the execution of all that that extraordinary man had been able only to sketch, to point out or to catch a glimpse of. In the sphere of foreign relations, the work of Richelieu was already accomplished, but the ground could only be cleared and the ways marked out by him for the internal reorganisation of the kingdom. By diplomacy and war, he and his able successor had secured to France a preponderating position among the States of Europe; but it still remained to give it a degree of wealth and prosperity equal to its greatness abroad, to create and develope all the elements of its financial, industrial, and commercial capabilities.

*de Colbert*, by M. Pierre Clément, *Pièces Justificatives*, Nos. vi. and xii.

* From 1661 to 1683.

† Colbert was such a faithful observer of the maxims of Richelieu as to draw forth pleasantries on the part of the late king. . . . When there was an important matter in hand, the late king used to say, "Here is Colbert, who will say to us, 'Sire, that great man, Cardinal de Richelieu,' &c. &c." (*Mém. de M. de Valincourt, sur la Marine, joint au Mém. du Marquis de Villette*, published by M. de Monmerqué for the Historical Society of France, p. 211.)

This is what was undertaken by a man who possessed neither the title nor the rights of first minister, the servant of a monarch, tenacious of his personal authority, and jealous on this point even to a mania.* Richelieu had effected great things in his full liberty of action; Colbert effected some, no less important, in a state of the strictest dependance, under the necessity of giving satisfaction in every matter that he had to decide upon, and under the condition, too, of never enjoying openly any merit of his own actions, of taking upon himself in the government the anxieties, the errors, the popular injustice, and of making over to another the success, the glory, and the public gratitude.

In that association which bound Louis XIV. and

* With respect to the persons who were to second my labour, I determined above all things to have no first minister; and if you will trust me for it, my son, and all your successors after you, the name will be for ever abolished in France; nothing being so unworthy as to see all the exercise of power on one side, and on the other the empty title of king. For this purpose it was absolutely necessary to divide my confidence and the execution of my orders, without entrusting them entirely to one person. (*Œuvres de Louis XIV.*, t. i., p. 27.) Do not divide out your work without reserving a part of it in your own power. Do not give up to another anything but what it will be impossible for you to retain; for whatever care you may be able to take, much more will always escape you than is to be desired. (Ibid., p. 150.) The Portuguese Ambassador said to him one day, "Sire, I will arrange that matter with your ministers." "Monsieur l'Ambassadeur," replied the king, "you mean to say our people of business." (*Les Portraits de la Cour, Archives curieuses de l'Histoire de France*, 3e série, t. viii., p. 371.)

Colbert together in the same work, nothing was more strange than the contrast of their persons and characters. The king, young and brilliant, ostentatious, lavish, carried away by pleasure, possessing in the highest degree the carriage and tastes of a gentleman; the minister, joining to the sterling qualities of the middle class, to the spirit of order, forecast, and economy, the tone and manners of a *bourgeois*; grown old before his time in subordinate duties and continual labours, Colbert had not lost the impression which they had left upon him: his address was awkward, his person ungraceful, his features severe, even to harshness. This rude covering, however, inclosed within it a spirit zealous for the public weal, eager for action and for power, but still more devoted than ambitious.* Cold as ice towards applicants for favour, and sympathising little with complaints concerning

* He is a man without parade, without luxury, of moderate expenditure, who readily sacrifices all his pleasures and amusements to the interests of the State, and the cares of office. He is active and vigilant, firm and incorruptible on the side of his duty; one who avoids party, and is unwilling to enter into any treaty without making the king acquainted with it, and without an express order from His Majesty; who proves himself superior to an inordinate desire of wealth, but having a strong passion for amassing and preserving the property of the king. (*Les Portraits de la Cour, Archives curieuses de l'Histoire de France*, 3e série, t. viii., p. 371. See the *Histoire de la Vie et de l'Administration de Colbert*, by M. Pierre Clément, *la Notice sur Colbert*, by Lemontey, and the report as made by M. Villemain at the annual meeting of the French Academy, 17th August, 1848.)

private interest; he was animated with tenderness and enthusiasm at the idea of the happiness of the people and the glory of France.* Thus all that constitutes the welfare, all that forms the splendour of a country was embraced by him in his patriotic reflections. Happy would France have been with all the prosperity to which she could then aspire, if the king, who had placed his faith in Colbert on the dying recommendation of Mazarin,† had always followed

* I would that my projects might have a happy result, that abundance might reign in the kingdom, that everyone might be content in it, and that without offices, without honours, far from the court and public affairs, *l'herbe crût dans ma cour.* (Words of Colbert quoted by d'Auvigny, *Vies des Hommes Illustres de la France*, t. v., p. 376.) For my part, I declare to your Majesty that an entertainment at 3000 francs causes me incredible trouble; but when it is a question of millions of money for Poland, I would sell all I have, I would place my wife and children in service, I would go on foot all my life in order to supply it, if it were necessary. (Letter of Colbert to Louis XIV., *Particularités sur les Ministres des Finances*, by M. de Monthyon, p. 44.)

† It is said that the cardinal, when dying, advised him to rid himself of Fouquet as a person subject to his passions, dissipated, and haughty—one who would assume the ascendant over him; that, instead of him, Colbert, a person of more modesty and less reputation, would be ready for everything, and would regulate the State as he would a private establishment. It is also said that he added these words (and M. Colbert used to boast of them to his friends): "I owe everything to you, Sire, but I believe that I acquit myself in some degree by giving you Colbert." (*Memoires de l'Abbé de Choisy, Collect. Michaud et Poujoulat*, 3e série, t. vii., p. 579.)

the admirable guide whom Providence had given him. At least, in the twenty-two years of that ministry, marked both by favour and disgrace, he permitted him to put his hand to almost every department of government, and all that Colbert touched was transformed by his genius. We are seized with astonishment and respect at the sight of that colossal administration which seems to have concentrated in a few years the labour and the progress of a whole century.

If there be a science in the management of the public interests, Colbert is the founder of it among us. His acts and his efforts, the measures which he took, and the counsels which he gave, prove on his part the design of concentrating all the administrative institutions, till then disconnected, in one system, and of attaching them to one superior mind as to their common principle. This mind, whose greatness Louis XIV. had the merit to perceive and respect, was able also to prescribe to itself: to prompt the national genius to soar into all the ways of civilization, to develope at once all the activities, the intellectual energy, and the productive powers of France. Colbert laid down for himself, in terms which might be considered altogether modern, the rule of government which he wished to follow in order to reach his object: it was to distinguish the *conditions of men* in two classes—those which *tend to withdraw themselves from labour*—the source of the prosperity of the State, and those which by a life of industry *tend to the public weal;*

*to throw obstacles* in the way of the first, and to *forward* the others by rendering them, as much as possible advantageous and honourable.* He reduced the number and value of appointments, in order that the *bourgeoisie*, rendered less eager in pursuit of them, might turn their ambition and their capitals to commerce; and he allured the nobility to accept them by combating the prejudice which, with the exception of military service and some high employments of State, made it a point of honour with them to lead a life without occupation.† The competition of labour—

* Care must also be taken that all those who shall be appointed for this business have more ability and probity than ordinary. . . . It will be very necessary that they be careful to place difficulties in the way of all conditions of men who are inclined to withdraw themselves from that labour which tends to the general welfare of the State. By these conditions are meant the too great number of officers of justice, of priests, monks, and nuns; and these two last not only ease themselves of the labour which should contribute to the common good, but even deprive the public of all the children which they might produce for the performance of necessary and useful duties. For this purpose, it will perhaps be necessary to render religious vows rather more difficult, to make a more advanced age necessary for their validity, and to suppress the custom of portions and pensions for nuns, to forward also and render honourable and advantageous, as much as can be, all the conditions of persons which tend to the public good—that is to say, soldiers, merchants, labourers, and journeymen. (Project of a general revision of ordinances, a speech delivered by Colbert in the council of October 10, 1665, *Revue Retrospective*, 2e série, t. iv., p. 257 and following.

† As commerce, and especially the maritime, is the fruitful

such was the new spirit which he proposed to infuse into French society; and in accordance with which he conceived the immense design of entirely remodelling the legislation, and of forming it into one body, similar to the code of Justinian.*

source which supplies abundance to States, and diffuses it over the people in proportion to their industry and labour, so there is no means of acquiring wealth more innocent and more legitimate. It has also been ever held in high esteem among the most civilised nations. . . . As it concerns the welfare of our subjects and our own satisfaction to efface entirely the traces of an opinion, which has been universally diffused, that maritime commerce is incompatible with nobility, and that it destroys its privileges, we have considered it advisable to make our intention on the subject understood, and to declare that maritime commerce does not derogate from nobility, by a law, which should be made public and generally received through the whole extent of our kingdom. (Edict of August, 1669, *Rec. des anciennes Lois Francaises*, t. xviii., p. 217. See Forbonnais, *Recherches et Considerations sur les Finances de France*, t. ii., p. 150, et 362; t. iii., p. 257.)

* But if your Majesty has proposed to yourself some very great design, such as to reduce all the kingdom to the same law, the same weights and measures, which would assuredly be a design worthy of the greatness of your Majesty, worthy of your spirit and your age, and which would elicit an endless amount of blessings and glory; though your Majesty could only have the honour of its execution, since the design itself was formed by Louis XI., who was beyond contradiction the most able of all our kings. (Project of a general revision of ordinances, *Revue Retrospective*, 2e série, t. iv, p. 248.) After having advanced this work, your Majesty would perhaps wish that they should proceed to complete the whole body of your ordinances, and to examine in the same manner those which concern the domains of the crown, the finances, the

To this design we must refer, as fragments of one and the same work, the grand ordinances of the reign of Louis XIV., which were so admirable, considering the period, and of which so many provisions still remain at the present day, the civil ordinance, the criminal ordinance, the ordinance of commerce, that of forests and waters, and that of the marine.* Colbert, at first only simple *intendant*, afterwards comptroller-general of the finances, had by the ascendancy of his talents constrained the king to raise his position in the council to that of director of all the economic interests of the State. From the very sphere within which the character of his office seemed necessarily to confine him, he at once directed his view to the highest regions of political thought, and, embracing all subjects in one compendious whole, he considered them, not in themselves, but in their relation to that ideal of productive order and increasing

forests and waters, the admiralty, and office of the constable, the duties of all the appointments and offices of the kingdom, . . . . and generally to render this body of ordinances as complete as that of Justinian with respect to the Roman law. (Ibid., p. 258.)

* Civil ordinance touching the reform of justice (April, 1667); ordinance for the reform of justice, being a continuation of that of April, 1667 (August, 1669). Edict containing a general regulation of waters and forests (August, 1669); criminal ordinance (August, 1670); ordinance of commerce (March, 1673); ordinance of the marine (August 1681.) *Rec. des anciennes Lois Francaises*, t. xviii., p. 103, 341, 219, and 371: t. xix., p. 92 and 282.

prosperity which he had formed in his own mind. It seemed to him that a great nation, a society truly complete, ought to be at once agricultural, manufacturing, and naval; and that France, with her people born for action of every kind, with her vast territory and her two seas, was destined to success in these three branches of human industry. This success, general or partial, was, in his eyes, the supreme object and the only legitimate foundation of financial combinations. He imposed on himself the task of assessing the taxes, not upon the privations of the people, but upon an increase of the general wealth, and he succeeded, in spite of enormous obstacles, in augmenting the revenue of the State, while at the same time he reduced the amount to the individual tax-payer.*

Colbert made a provision for intellectual interests enter largely into his plans, which were formed especially with a view to material prosperity. He perceived that, viewed as a matter of national economy, relations existed between all kinds of labour, between all the capabilities of a people; he understood the power of science in the production of wealth, the influence of taste upon industry, of the intellectual upon the manual arts. Among the celebrated institutions of his creation are the Academy of Science, the Academy of Inscriptions and belles-lettres, the academies of paint-

* See the *Recherches* of Forbonnais on the finances of France, and the work of M. Pierre Clément on the Administration of Colbert.

ing, sculpture, and architecture, the French school in Rome, the school of Oriental languages, the Observatory, the provision for teaching the law in Paris. He instituted, as part of the public service, and of the ordinary expenditure, pensions for literary persons, scholars, and artists; and his benefits to them were not confined to the limits of the kingdom. With respect to the particular measures of this great minister for the industrial regeneration of France, their details would exceed the limits within which I am obliged to confine myself. The changes which he effected in all the branches of the financial administration, his labours to increase or to create a national capital under all its forms,* his encouragements of every kind bestowed on all classes of persons who were co-operating in the work of production, from the head of an enterprise down to the simple labourer; that vast and harmonious body of laws, regulations, statutes, precepts, foundations, projects, are ably set forth in recent publications.† It will be sufficient for me to refer the reader to them, and to say that it is owing to the impulse given by Colbert to that principle of new life diffused among us, now about two centuries

* Roads, canals, civil and military buildings, arsenals, the mercantile and national marine.

† See the *Histoire de France*, of M. Henri Martin, t. xiv.; the work of M. Pierre Clément, quoted above, and the *Histoire de l'Administration en France, depuis le règne de Philippe Auguste jusqu'à la mort de Louis XIV.*, by M. Dureste de la Chavanne.

ago, that we must be reckoned among the maritime and commercial powers of the world.

Colbert had this in common with others gifted with an organizing genius, that he formed new objects by means which were not new, and used as an instrument everything which he found ready to his hand. Far from striving against ancient usages and practices, he had the art of extracting strength from them, giving life to that which appeared inactive and worn out by the inspiration of his will, and by original modes of application. It is thus that in the case of the finances and of commerce, he transformed an accumulation of empirical proceedings into a system profound and reasonable. Thence were derived his power and marvellous success in his own times, the doctrines of which he did not shock; thence also the weakness of some parts of his work in the eyes of experience, subsequently acquired, and of science formed after him. Was he wrong in not taking account of the desire of the States-General in 1614 for ameliorating the system of the monopoly of corporations, and of receding from that first aspiration of France towards the liberty of labour? * The answer to this question, and to others of the same kind which are raised by the adminis-

* See above, Chapter VII.—Edict of March, 1673, importing that those who employ themselves in commerce, sale of provisions, or in arts, and do not belong to any community, shall be formed into corporations, communities, and wards, and that they shall have statutes granted them. (*Recueil des anciennes Lois Françaises*, t. xix., p. 91.)

tration of Colbert,* cannot be made without taking other things into consideration. Everything is connected together in the acts of the great minister of Louis XIV.; and in this systematic whole two facts are conspicuous: the first is, that he made everything emanate from the principle of authority, that he beheld in industrial France nothing but a vast school to be formed under the discipline of the State;† the second is, that the immediate results of his policy gave him ample reason for it, and that he succeeded in advancing the nation onward by half a century.‡

* Especially that of the rates of the customs. See the edict of September, 1664, reducing and diminishing the duties on exports and imports, with the suppression of many duties, (*Recherches* of Forbonnais under that date); and the analysis made by M. Pierre Clément of the ordinance of September, 1667, *Histoire de la Vie et de l'Administration de Colbert*, p. 231 and 315.

† The arts were new or almost totally forgotten by the interruption caused by commerce. We were ignorant of the tastes of the foreign consumer; our manufacturers, poor, crushed by taxation, and by shame at their condition, had neither the means nor the courage to go to distant sources for information. Imitation, and not invention, formed their occupation. The minister issued instructions to the workmen, and the greater part were good, for they were drawn up by merchants or persons experienced either in art or in foreign commerce. Each rule was backed up by its incentive to adopt it. (Forbonnais, *Recherches et Considérations sur les Finances de France*, t. ii., p. 366.)

‡ See in the work of M. Dureste de la Chavanne, *Histoire de l'Administration en France*, &c., t. ii., p. 221, a table of the manufactures instituted by Colbert.

Long years of war were necessary for the accomplishment of Richelieu's work;—in order that the work of Colbert, the complement of the other, should be freely developed, and yield all its fruits, long years of peace were required. After the treaty of Westphalia and that of the Pyrenees,* a lasting peace seemed to be insured to Europe and to France; but Louis XIV. did not allow what these two great compacts promised. At the moment when the young king appeared entirely devoted to the cares of internal prosperity,† he broke the peace of the world, under a strange pretext, to incur the hazards of an external aggrandisement. He undertook in behalf of the pretended claims of his wife, the infanta Marie-Therese, and against the advice of his best counsellors, the war of invasion which was terminated by the treaty of Aix-la-Chapelle,‡ a war that was unjust, though the event of

* 1648 and 1659.

† The affection which we bear to our subjects having made us prefer the satisfaction of giving them peace, to our glory and the aggrandisement of our States, we have at the same time made it our principal care to enable them to gather the fruits of a perfect tranquillity; and as commerce, manufactures, and agriculture are the surest and most legitimate means to introduce abundance into our kingdom, so we have overlooked none of the inducements which could influence our subjects to apply themselves to them. (Edit de Decembre, 1665, portant réduction des rentes du denier dix-huit au denier vingt; *Recueil des anciennes Lois Françaises*, t. xviii., p. 69.)

‡ This treaty was signed the 2nd May, 1668. See the work of M. Mignet upon the *droit de devolution* called for by

it was fortunate for the king and for France. The king gained in it a repute for political and military ability; France, by acquiring many cities in Belgium,* made a considerable step towards the attainment of her natural extension. But there was something fatal in this first stroke of fortune. The passion of military glory once awakened in the breast of Louis XIV. never slept again; it cooled his zeal for pacific labours; it made him pass from the influence of Colbert under that of a counsellor the most unfortunate;† and not only did it make him pay less attention to domestic improvement than to foreign conquests, but, even in external affairs, it turned him away from the true French policy, from that policy at once national and

Louis XIV. on the death of Philip IV., King of Spain, and upon the events of the war of 1667. *Négociations relatives à la Succession d'Espagne*, t. i[er], 2[e] partie, sec. 1 et 2; t. ii., 3[e] partie, sec. 2.—Those who opposed this war in the council of the King were Colbert and the minister of foreign affairs, De Lionne, one of the greatest diplomatists that France had had, the negotiator of the treaty of Westphalia, of the league of the Rhine, and of the treaty of the Pyrenees. "If, before the war in Flanders, they had given Cambray, or even Bergues, to the king, he would perhaps have been satisfied. De Lionne especially was in despair at the war." (*Œuvres de Racine*, t. vi., p. 338.)

* Charleroi, Binch, Ath, Douai, Tournai, Oudenarde, Lille, Armentières, Courtrai, Bergues, and Furnes.

† The Marquis de Louvois, son of the minister Letellier, at first associated with his father in the department of war, then intrusted with the sole charge of that portfolio in 1666.

liberal, the plan of which had been conceived by Henri IV., and the edifice raised by Richelieu.*

Whatever embarrassment may be experienced in forming an accurate judgment, in a patriotic point of view, of the policy of a reign, from which France issued with her frontiers determined on the north, and, in great measure, on the east,† it is necessary to distinguish two things in the wars of Louis XIV.: the result and the intention; the conquests which were retained with a reasonable claim, and the insane enterprises, which aiming very far beyond the limit which justice could warrant, were yet brought back to it at a later period by the force of circumstances which proved fortunate. The war with Holland, by the spirit of vengeance which it inspired, and the manner in which it was conducted, had this character; if it was the cause of the territorial advantages, which were attained at the peace of Nimeguen, it was because the Court of Madrid, by allying itself to the enemies of the king, furnished him with the opportunity of making a fresh attack upon Franche-Comté and the low countries belonging to Spain.‡ A similar

* See above, chapters vi. and vii.

† In order to complete them, Lorraine alone was wanting, which was re-united under Louis XV.

‡ The treaty of Nimeguen was signed the 10th of August, 1678; the war had commenced in 1672. By this treaty France gave up many cities which gave her an offensive position in the Low Countries, especially Charleroi, Ath, Binch, Oudenarde, and Courtrai, which she possessed since 1668;

extension of territory did not result from the war with Germany; all the conquests made during that war of nine years were given up by the treaty of Ryswyk, that, among others, which gave to France her natural frontier of the Alps.* Lastly, in the crisis brought on by the extinction of the Royal Family of Spain,† Louis XIV., having the choice, preferred the chances of a crown for his grandson to the extension of his dominions with the consent of Europe. His personal glory and his family formed the twofold interest which he followed more and more at the cost of the national interests, by breaking down the whole system of ancient alliances, by making France abandon the part of guardian of the public right and the protectress of small states, to render her in the view of surrounding nations an object of fear and hatred, like the Spain of Philip the Second.‡

she acquired, together with Franche-Comté, important territories and cities in Artois, Flanders, and Hainault, which gave her a regular boundary on the north, and formed, by the aid of Vauban's genius, a powerful line of defence. (Upon the invasion of the United Provinces, and the treaties which followed it, see vol. iv. of the *Négociations relatives à la Succession d'Espagne.*)

* The treaty of Ryswyk was signed the 20th of September, 1697. Savoy and Nice had been occupied in consequence of the adhesion of the Duke, Victor-Amédée, to the League of Augsburg.

† At the death of Charles II., in 1700.

‡ Louis XIV. was ambitious of being elected emperor, or of having his son appointed king of the Romans. He entered into negotiations, with that view, with many of the German

This fatal war with Holland, which began to make shipwreck of the policy of Richelieu, struck with the same blow the financial system of Colbert, and falsified all his measures. It was impossible for him to make provision during six years for the expenses of an armed struggle against Europe, without departing from the admirable arrangements which he had formed, without having recourse to the expedients of his predecessors, and compromising the new elements of domestic prosperity. From 1672 to 1678 all economic ameliorations were arrested or thrown back; and when peace came, and it was necessary to repair losses and to recommence improvements, the mind and favour of the king were no longer with Colbert. A man gifted with a special talent for the administration of war, but of a narrow mind and egotistical feelings, an excessive flatterer, a dangerous counsellor, and a wretched politician, the Marquis de Louvois, had secured the favour of Louis XIV., by ministering to and exciting his passion for glory and conquest. That unbounded confidence which had made almost a first minister of the comptroller-general of the finances was now withdrawn from him, and transferred to the Secretary of State

princes; some secret treaties were concluded by him—in 1670 with the elector of Bavaria—in 1679 with the elector of Brandenburg, and in the same year with the elector of Saxony. (Upon these negotiations see a notice by Lemontey in his works, t. v., p. 223, and following.)

for War, and together with the favour of the king, the preponderating influence in the council.

Reduced from that time to the ungrateful task of opposing the voice of reason to a party hurried onward by pride, violence, and foreign encroachments, of protecting the exhausted treasury from continually increasing demands for fêtes, pleasure-houses, and military government in the midst of peace, Colbert sank by degrees under the fatigue of that fruitless and hopeless struggle. He was observed to be melancholy, and was heard to sigh at the very hour of his former delight, the hour of sitting down to his work.* He felt that he was regarded as a burden, in all the good that he wished to effect, in all the evil that he strove to prevent, in the frankness of his language, in all that the king had once loved in him.† Many times after some un-

* We remarked that up to that time, when M. Colbert entered into his cabinet, he was seen to set about his work with an air of satisfaction, and rubbing his hands from pleasure; but that afterwards he scarcely ever sat down to his work but with an air of mortification and with sighs. M. Colbert, accessible and accommodating as he had been, became inaccessible and difficult to deal with, so that not near such an amount of business could be transacted with him as during the first years of his superintendence. (*Mémoires de Charles Perrault*, liv. iv., p. 84, edit. of M. Paul Lacroix, 1842.)

† M. Mansard maintains that during three years Colbert importuned the king with respect to the buildings; that then the king once said to him, "Mansard, they give me too much trouble: I do not wish to think any more about building." (*Œuvres de Racine*, t. vi., p. 335.) "There is, Sire, a very

mistakeable symptoms of disgrace, the high mettle of his spirit and his sense of patriotic duty still raised and supported him under his mortifications; but at last a day came when the bitterness of this situation overflowed, and the heart of the great man was broken.

Such is the sad history of the last years of Colbert. Years filled up, on the one hand with fits of feverish activity, and on the other with those alternations of estrangement and reconciliation, of galling slights and cold reparations, which mark the termination of a distinguished favour. The melancholy, which beyond a doubt shortened his life, was fostered by two feelings,—the disappointment of a statesman checked in the midst of his work, and a suffering of a still deeper nature. Colbert had loved Louis XIV. with an enthusiastic affection; he believed in him as the personified idea of the public good; he had formerly seen him associated heart and soul in his labours and his dreams, and considered him, superior though he

difficult business which I am about to undertake; it is nearly six months that I have been hesitating to say some serious things to your majesty, which I mentioned yesterday, and some which I have still to mention. . . . . I trust to your majesty's goodness, to your great virtue, to the order which you have often given and repeated, to be informed in case you should go too fast, and to the liberty which you have often given me to tell you my sentiments." (*Mémoires de Colbert au roi*, 1666, quoted by Monthyon, *Particularités sur les Ministres des Finances*, p. 73.)

was in rank, his equal in patriotic devotion; and now he was obliged to confess to himself that all this was an illusion, that the object of his worship, ungrateful to himself, was less patriotic also. It was in this disenchantment that he died.* On his death-bed the state of his mind betrayed itself by a gloomy uneasiness, and by some bitter remarks. He said, in speaking of the king, "If I had done for God what I have done for that man, I should be twice saved, and I now know not what is to become of me."† A letter having been brought to him from Louis XIV., who was then also unwell, with some friendly expressions, he continued silent, as if he were asleep. When asked by his attendants to send a word in answer, he said, "I do not want to hear any more said about the king, but that he may at least now leave me at peace; it is to the King of kings that I am thinking how to make my answer."‡ And when the vicar of St. Eustache, his parish, came to tell him that he had asked the prayers of the faithful for his recovery; "Not so," replied Colbert, abruptly, "let them pray God to have mercy upon me."§

There was an unhappy fatality in the destiny of

* The 6th of September, 1683.

† Monthyon, *Particularités sur les Ministres des Finances*, p. 79, note.

‡ Ibid.—*Œuvres de Racine*, t. vi., p. 334.—*Lettres de Madame de Maintenon*, 10th September, 1683, t. ii., p. 103.

§ *Œuvres de Racine*, t. vi., p. 334.—Colbert's mansion was situated in the Rue Neuve-des-Petits-Champs.

this noble character which death itself did not arrest. It was strange that the minister who anticipated in his plans a revolution which was to come, the reign of industry and commerce, he who wished for the abolition of privileges in respect of taxation, a just proportion in the public burdens, the diffusion of capital by the diminution of interest, a great degree of wealth and honour for the encouragement of labour, and a liberal assistance to poverty,*—this very person was unpopular even to hatred. His funeral procession having to pass near the markets, did not set out till nightfall, and under escort, for fear of some insult from the people. The people, and especially that of Paris, hated Colbert in consequence of the heavy taxes established since the war with Holland; they charged him with the necessity against which he had in vain contended; and they forgot immense services, to render him responsible for measures which he deplored him-

* In the histories of the government of Colbert, observe his constant efforts to reduce the poll-tax, and his attempts to substitute the land-tax for the poll, to establish the register of landed property, and to found the system of securities. See also the general regulation upon the taxes, issued the 12th of February, 1663; the ordinance of April, 1667, upon communal properties; the edict of December, 1665, reducing the legal interest to five per cent.; the edict of March, 1673, for the publicity of securities, and the edict of June, 1662, ordering that there should be a hospital for the poor, the sick, and the orphan, in every city and borough of the kingdom. (*Recueil des anciennes Lois Françaises*, t. xviii., p. 18, 22, 69, and 187, and t. xix., p. 73.)

self, and which he had been forced to take against his will. The king was ungrateful, the people ungrateful; posterity alone has been just.

The death of Colbert and the revocation of the edict of Nantes, an irreparable loss and a fatal stroke of policy, mark the point of distinction in the reign of Louis XIV. between the years of greatness and the years of decline; of these two events, separated by a short interval, it cannot be said that the second had not some connexion with the first. We must add to the merits of the great minister that of his having been the defender of the Protestants, of his having consistently withstood the blows aimed by the spirit of religious unity against the charter of liberty made by Henry IV.* It was moreover the policy of Richelieu, which he followed while maintaining the harmless rights guaranteed on two occasions to the Protestants.† Less from principle than patriotic instinct he protected in this party a body of men such as he required for his plans, men active, upright, educated, experienced in industry and commerce, and attached to those professions by the very ill-will which gradually excluded them from public duties. So long as the influence of Colbert continued in the councils of Louis XIV., the mind of the King was kept on the watch against the suggestions of the

* See above, Chapter VI., p. 125 and 126.

† First, by the edict of Nantes, 13th April, 1598, and afterwards by the edict delivered at Nîmes, July, 1629.

catholic clergy, and his own particular inclinations;* but on this point, as on many others, the giddiness of absolute power commenced when his favour was withdrawn from the man of genius. It was thus that the exercise of constraint succeeded to the allurements used to draw back the dissenters, and that after the penalties enacted against the relapse of new converts followed the entire abolition of the liberty of worship and conscience. The immortal edict of Henry IV., confirmed and ratified by Louis XIII. in 1629, was revoked by Louis XIV. on the 17th October, 1685;† a date to be remembered

* With regard to that great number of my subjects of the so-called reformed religion, which was an evil which I regarded with grief, . . . it seemed to me, my son, that those who wished to employ violent remedies did not understand the nature of that evil, caused in part by an enthusiastic temperament, which it is necessary to let pass, and extinguish itself insensibly, instead of exciting it afresh by contradictions as strong. . . . I believed that the best way of gradually reducing the Hugonots of my kingdom was, in the first place, by not pressing them at all by any new severity towards them, by having what they had obtained from my predecessors regarded, but by not granting them anything beyond, and by restricting the execution of it within the very narrowest limits that justice and propriety would permit. With regard to favours which depended on me alone. . . . (*Mémoires de Louis XIV., écrits viers l'année* 1670; *Œuvres*, t. i[er], p. 84, and following.)

† We declare that we . . . have, by this present edict, perpetual and irrevocable, suppressed and revoked, we suppress and revoke, the edict of the said king, our grandfather, delivered at Nantes in the month of April, 1598, in all its

among the sad recollections of our history. We know what a fearful blow this act of violence and its consequences dealt to the civilisation and the prosperity of France; how, by the emigration of workmen, inventors, traders, seamen, capitalists, the advantage which the institutions of Colbert had given us over our rivals in industry was almost entirely lost.*

In 1685, almost a century had passed since France, preceding in this respect the other nations of Christendom, had entered on that new state of society in which the Church is separated from the State, the social duties from the concerns of the conscience, and the believer from the citizen. Under the system of the edict of Nantes, the legal principle in the matter of religion was not only simple toleration, but the equality of civil rights between Catholics and Protestants; the recognition also, and, with some exceptions,

bearings, together with the particular articles decreed on the 2nd of May following, and the letters-patent despatched in them, and the edict delivered at Nîmes in the month of July, 1629, we declare them null and void, together with all the concessions made both by these and other edicts, declarations, and decrees, to persons of the so-called reformed religion, of whatever nature they might be. (Edict revoking the Edict of Nantes; *Recueil des anciennes Lois Francaises*, t. xix., p. 530.)

* See the work of Rulhières, entitled, *Eclaircissements Historiques sur les Causes de la Revocation de l'Edit de Nantes; l'Histoire de Madame de Maintenon*, t. ii.; by M. le Duc de Noailles, et t. xv. et xvi. of *l'Histoire de France*, by M. Henri Martin.

the full liberty of the two forms. We were, in this respect, superior to both catholic and protestant Europe, a superiority acquired at the price of forty years' misfortunes, and perhaps by the assistance of a more prompt perception of justice and right.* It was from the height of this principle, laid down in the law, and which existed in spite of violations more or less direct, more or less serious, that the edict of Nantes again reduced the country to a system of violence and anomalies, which, to become consistent, terminated in the civil death of the Protestants.† Such is the point of view from which the historian must judge of the act of authority which was, if not a crime, the greatest of errors in Louis XIV. In this point of view neither the ideas nor the practices of the other states of Europe in point of civil toleration can serve as an excuse for the conduct of France; France for a century had raised the right of her people above the ideas of the time.

With respect to the reaction of Catholicism in the country, that cannot with any more reason be used as an apology, for this was nothing new, and two

* French jurisprudence was the first to condemn the principle of slavery, by declaring every slave free who set foot in the kingdom, See *le Glossaire du droit Francais*, by Laurière, on the word *Esclave*.

† See what is said by Rulhières of the declaration of the 14th May, 1724, and of the frightful jurisprudence which resulted from it. (*Eclaircissements sur la Révocation de l'Edit de Nantes*, ed. Auguis, pp. 269, 282, 463, and 481.

great ministers had been able to withstand this influence during thirty years; although both members of the Church, they kept themselves within the limits marked out by public honour and state policy.* Louis XIV. was perfectly free to think and act like them; in his reign the Protestants no longer excited alarm, and the pressure of catholic intolerance had not become more embarrassing. He had only to leave matters in the state in which he had found them,† not

* Richelieu scrupulously maintained the liberty of Catholics to change their religion, and of converted Protestants to return to their ancient form of worship. Mazarin, pressed by the clergy to take measures against those whom the Church regarded as apostates and relapsed, did not yield to their solicitations. He said, in speaking of the Calvinists, "That little flock gives me no anxiety; if it browses on bad pasture, at least it does not spread itself." (See Rulhières, *Eclaircissements Historiques sur la Revocation de l'Edit de Nantes*, p. 19, and following, and the *Histoire de France*, by M. H. Martin, t. xv., p. 589, and following.)

† The preamble of the edict of July, 1679, which suppresses the tribunals composed half of Catholics and Protestants, presents this curious passage: "Considering that fifty years have passed without any fresh trouble having been caused by the said religion, and that from the length of time the animosities which might exist between our subjects of the one or the other religion are extinguished, we have considered that we could do nothing better than suppress the said chambers, and reunite them to the said parliaments, as well to efface entirely the recollection of the past wars, as to facilitate the administration of justice, by depriving our Catholic subjects of the pretext of availing themselves of the said name and privileges of the so-called reformed religion to perpetuate

to be made the dupe of pretended conversions which were concocted to please him; not to become, unless he wished it, an atrocious persecutor; lastly, not to bequeath at his death to the France of the eighteenth century, a whole code of proscriptions more odious than those of the sixteenth.*

lawsuits in families by appeals, or by regulations of judges." (*Rec. des anciennes Lois Françaises*, t. xix., p. 205.)

* Compare the *eclaircissements* of Rulhières upon the revocation of the edict of Nantes with the "tome ii. of the *Histoire de Madame de Maintenon*, by M. le Duc de Noailles." One of the first intentions of the regent was to withdraw all the edicts of Louis XIV. against the Protestants; but the very violence of what had been done seemed to oppose an insurmountable obstacle to that measure. "The regent spoke to me about the contradictions and difficulties, of which all the edicts and declarations of the late king upon the Hugonots were full, upon which they could not exact anything, from the impossibility of reconciling them one with another, and, on the other hand, of executing them in respect to their marriages, wills, &c. . . . . . From complaining of these embarrassments, the regent proceeded to complain of the cruelty with which the late king had treated the Hugonots—of the error of the revocation of the edict of Nantes—of the immense injury which the state had suffered from it, and was still suffering, in its depopulation, in its commerce, in the hatred which that treatment had excited among all the Protestants of Europe. . . . . The regent made some reflections upon the state of ruin to which the king had reduced, and in which he had left France, and upon the advantage of population, arts, wealth, and commerce which she would experience in a moment by the recall so desirable of the Hugonots to their country, and ended by proposing it to me." (*Mémoires de Saint-Simon*, t. xiv., p. 155, and following.)

The great fact, unforeseen at the time, which prevails over the whole reign of Louis XIV., is, that, in this reign—the last term of the movement of France towards monarchic unity—the absolute power, exercised personally by the king, is seen to fall, for the good of the real national interests, below what the same power had previously been when delegated to a first minister. Richelieu, and after him Mazarin, governing as if they had been dictators of a republic, had extinguished, if I may use the expression, their personality in the idea and service of the state. Possessing only the exercise of authority, they both conducted themselves as responsible agents towards the sovereign and before the judgment of the country; while Louis XIV., combining the exercise with the right, considered himself exempted from all rule but that of his own will, and acknowledged no responsibility for his actions except to his own conscience. It was this conviction of his universal power, a conviction genuine and sincere, excluding both scruples and remorse, which made him upset one after the other the twofold system founded by Henry IV., of religious liberty at home,* and abroad of a national pre-

* Specious state policy! in vain you opposed to Louis the timid views of human wisdom; the profane temples were destroyed, the seductive pulpits were thrown down; the wall of separation was removed; time, grace, instruction achieve by degrees a change, of which force secures only the appearances. (*Oraison funèbre de Louis XIV.*, Massillon, *Œuvres*, t. viii.,

ponderance resting upon a generous protection of the independence of states and European civilisation.

At the personal accession of Louis XIV., more than fifty years had passed since France had pursued the work of her policy in Europe, impartial towards the various communions of christians, the different forms of governments, and the internal revolutions of the States. Although France was catholic and monarchical, her alliances were, in the first place, with the Protestant states of Germany and with republican Holland; she had even made friendly terms with regicide England.* No other interest but that of

p. 229.) He listened only to praises, while the good and genuine Catholics and the holy bishops were groaning at the bottom of their hearts to see the orthodox proceeding against the errors of the heretics, in the same way as heretical tyrants and pagans had done against the truth, against confessors and martyrs. They could not console themselves, above all, with that immense amount of perjuries and sacrileges. They bewailed bitterly the lasting and irremediable odium which detestable means were spreading over the true religion, while our neighbours were exulting to see us weakening and destroying ourselves, profiting by our folly, and building plans upon the hatred which we were drawing upon ourselves from all the Protestant powers. (*Mémoires de Saint-Simon*, t. xiii., p. 17.)

* See in the *Corps Diplomatique* of Dumont, t. vi. part 2, p. 121, the treaty of peace and commerce between England and France, signed the 3rd November, 1655. A secret article of that treaty stipulated, on the one part, the prohibition to the Stuarts and their principal adherents to sojourn in France; on the other, the dismissal of the agents of Condé, then an enemy of his country, from the British territory.

the well-understood development of the national resources had weight in her councils, and directed the internal action of her government. But all was changed by Louis XIV., and special interests, the spawn of royal personality, of the principle of the hereditary monarchy, or of that of the State religion, were admitted, soon to fly upward in the scale.

Thence resulted the overthrow of the system of the balance of power in Europe, which might be justly called the French system, and the abandonment of it for dreams of an universal monarchy, revived after the example of Charles V. and Philip II. Thence a succession of enterprises, formed in opposition to the policy of the country, such as the war with Holland, the factions made with a view to the Imperial crown, the support given to James II. and the counter-revolution in England, the acceptance of the throne of Spain for a son of France, preserving his rights to the Crown.* These causes of misfortune, under which the kingdom was obliged to succumb, all issued from the circumstance applauded by the nation and conformable to the spirit of its tendencies, which, after royalty had attained its highest degree of power under two

* By letters patent delivered in December, 1700, Louis XIV. preserved to the Duc d'Anjou, become king of Spain under the name of Philip V., his position by inheritance between the Dukes de Bourgogne and de Berry. (See upon this act, and upon the acceptation of the will of Charles II., the work of M. Mignet, *Négociations relatives à la succession d'Espagne*, introduct., p. lxxvi. and following.)

ministers, delivered it unlimited into the hands of a prince endowed with qualities at once brilliant and solid, an object of enthusiastic affection and legitimate admiration.

When the reign, which was to crown under such auspices the ascendant march of the French monarchy, had falsified the unbounded hopes which its commencements had excited; when in the midst of fruitless victories and continually increasing reverses, the people beheld progress in all the branches of public economy changed into distress,—the ruin of the finances, industry, and agriculture,—the exhaustion of all the resources of the country,—the impoverishment of all classes of the nation, the dreadful misery of the population, they were seized with a bitter disappointment of spirit, which took the place of the enthusiasm of their confidence and love.* What

* Meanwhile your people, whom you ought to love as your children, and who have hitherto been so devotedly attached to you, are dying of hunger. The cultivation of the fields is almost abandoned; the towns and the country are depopulated; all the trades languish, and no longer support the workmen. All commerce is annihilated. You have, consequently, destroyed half of the actual resources within your state, in order to make and secure unprofitable conquests abroad. (*Lettres de Fénelon à Louis XIV.*, 1692, or 93, *Œuvres Choisies*, t. ii., p. 417.) By all the inquiries which I have been able to make, from many years' application to the subject, I have very accurately remarked, that in these latter times almost a tenth part of the people are reduced to beggary, and actually do beg; that of the nine other parts there

was there under the great and wretched mistake the impression of which still appears so vividly in the contemporaneous documents? It was not simply the feeling of human hope disappointed by an individual, it was the decisive test of a form of government prepared far back by the labours of ages, for the benefit of which every guarantee of political liberty had been destroyed or abandoned, and the progress of which the masses of the nation had favoured as if it were their own.

I do not here mean to assert, that the people of France had a consciousness of the nature and depths of the crisis of which their actual depression was but

are five which are not in a state to afford relief to that one, because they are themselves reduced within a very little of that unhappy condition; that of the other four parts which remain, three are badly off, and embarrassed with debts and lawsuits; and that in the tenth, in which I place all the military, lawyers, ecclesiastic and secular professions, all the high nobility, the distinguished nobility, and persons in civil and military offices, the prosperous merchants, the bourgeois with private incomes and in easy circumstances, not more than a hundred thousand families can be reckoned. (Vauban, *Dîme royale*, collect. des principaux Economistes, t. i., p. 34.) The very people (it is necessary to state everything) who have loved you so much, who have placed so much confidence in you, begin to lose affection, confidence, and even respect. Your victories and your conquests no longer give them pleasure; they are full of bitterness and despair. Sedition is being kindled by degrees in every part. They believe that you have no pity for their ills, that you love nothing but your authority and glory. (*Lettre de Fénelon à Louis XIV.*, p. 418.)

a prelude, that they had a perception of events which subsequent generations have only learnt from the consequences of circumstances and the teaching of history. Whatever meaning it might then have had for those who were suffering from it, the strange contrast between the first and last years of Louis XIV. corresponded to one of those solemn moments in the life of nations, in which a great social movement, the results of which are exhausted, is arrested, and in which another movement commences, which, with more or less secrecy and speed, is about to seize upon the public mind, to transform it, and to hurry everything towards an unknown future.

# CHAPTER X.

## SOCIAL CHARACTER OF THE REIGN OF LOUIS XIV., ITS INFLUENCE UPON THE PROGRESS OF THE TIERS ETAT.

Summary: End of the first Period of our social Revolutions, commencement of the Second—New Career of Efforts and Progress opened to the Eighteenth Century—Abandonment of Historical Liberties, Inquiry after a Right purely rational—Part of the Tiers Etat in this great Movement of Mind—Opposition in the Heart of the Court of Louis XIV.—Fénelon and the Duke of Burgundy—Their project of a Constitution at once aristocratic and liberal—Good Sense and Firmness of Purpose in the old King, Results of his Government—Progress towards Civil Equality, patronage of Literature—The Life of the Nation drawn to the Centre, Decline of Local Institutions—Municipal Employments in right of hereditary Tenure and Purchase, consequences of this financial Expedient—Ruin of Municipal Liberties—Attack upon the political Privileges of the Parliament—Prohibition of all Remonstrance before the Enrolment of the Laws—The Parliament re-assumes its Power—Its part in the Eighteenth Century.

After having sacrificed, with rash and ill-founded expectations, all her ancient institutions to the aggrandisement of one alone, after having permitted the independence of classes and territories, the rights of provinces and cities, the power of the States-General,

and the political control of the parliament to be destroyed, France, having reached the highest point of this long revolution, found herself brought face to face with monarchical unity, an unity, however, which was, so to speak, altogether personal, and from which the very idea of a nation forming a body was in theory excluded.* In this way the labour of centuries elapsed since the twelfth, by attaining its object pursued with so much consistency, ended after all in a regime, as unacceptable to reason and patriotism, as it was definitive in a something which, far from terminating the march of progress in politics, was but a halting post, a second starting point, the commencement of new efforts.

This new labour of opinion and of public will was of necessity not to build up again the ruins, not to touch the absolute unity of the State, the spontaneous production of our social instincts, but to impress upon it in some sort the true national character instead of the royal seal, to provide that its enlarged idea should embrace, in order to guarantee their safety, all the

* France is a monarchical government in the full extent of the expression. The king represents the whole nation, and each person represents but a single individual in relation to the king. Consequently, all power, all authority reside in the hands of the king, and there can be no other in the kingdom but such as he establishes. . . . The nation does not exist as a body in France; it resides entirely in the person of the king. (Manuscript of a course of public law on France, composed for the instruction of the Duke of Burgundy, quotation made by Lemontey, *Œuvres complètes*, t. v., p. 15.)

legitimate rights of the citizen.* Such was the glorious work of the century, the fifteenth year of which closed the reign of Louis XIV., a work in which the object was less simple and the parts more mixed up together than in the first, and in which men seemed to be groping in the dark, till the day when all the ways were smoothed by the fusion of the two first orders in the body of the third, and by the accession of an assembly, one and sovereign, of the representatives of the nation.

At this point of the history of France that of the *Tiers Etat* must stop; we here observe the disappearance of its name and the termination of its separate existence, of which the last advancements and most memorable acts will form the subject of a further work. As I shall then show, but little of movement is observed at first at that most important period from whence issued a fatal medley of immense benefits and great evils; the old political habits remain, while a new spirit seizes upon the minds of men; next the labour achieved in idea passes into action; at-

* The first sign of a reaction of mind shewed itself in the year 1690 by the publication of fifteen memoirs on the government of Louis XIV., printed abroad, under the title, *Les soupirs de la France esclave qui aspire après sa liberté.* The anonymous author denounces in strong terms what he calls the oppression of the Church, of the magistracy, of the nobility, and the cities; he denounces the doctrines of absolute monarchy, and demands, in the name of the rights of the people, the convocation of the States-General.

tempts at reform more or less comprehensive are nobly but fruitlessly made by the government, and from their ascertained powerlessness, springs the popular effort, which elicits from the States-General assembled for the last time the revolution of 1789.

This inauguration of a society founded upon principles of rational right, did not come to pass until the mass of the nation had thoroughly perceived that there was nothing for them to expect from a restoration of historical rights. Simple reason and history were like two different sources from which the regenerative principle drank from its birth; but, whether of necessity or imprudence, it drank more and more from the first, and less and less from the second. On the one side the stream was scanty and sluggish; on the other continually increasing, hurried on by the double impulsion of reason and hope, it ended by mastering and carrying everything along with it.

Ancient rights were nothing else but ancient privileges, the restoration of them in a body under the name of liberty could not be an object of serious desire except to the two first orders; the *Tiers Etat*, with the exception of some old municipal liberties, which were no longer regarded with interest, had nothing to regret in the past, everything to expect from the future. It thus became in the last part of its political action the great focus, the indefatigable instrument of the new spirit, of the ideas of social justice, of equal liberty among all, and of civic fra-

ternity. It is not here implied that this spirit, superior in its independence to the customs and interests of order and class, yet availing itself of those customs for its own purposes, and of those interests in order to render its adoption less repulsive and less restricted, should necessarily continue a stranger to the classes whose exclusive rights, already lost in part, were condemned to perish for the general good. If the unprivileged order was naturally disposed by its very instincts and interests to such inspirations, it could not be alone in feeling them. Wherever elevated minds and generous hearts met, there was found food to cherish what may be named the idea of modern liberality; that voice of opinion, which renovated everything in 1789, had its brilliant and sincere instruments among the nobility and clergy. Strange, too, as it may appear, it was at the very court of Louis XIV., in the circle of his grandson, in the meetings of *grands seigneurs*, that the first attempt at a political reaction originated, springing from a lively sympathy with the sufferings of the people, against the intolerable dogma and the necessary evils of unlimited monarchy.

It is known that a writer of talent, an admirable bishop and ardent philanthropist, Fénelon, was the soul of those projects of which he had sown the seed in lessons which he gave during five years to the heir to the throne.* The plan of government, con-

* From 1689 to 1694 Fénelon discharged the duties of pre-

ceived by him, and embraced enthusiastically by the future successor of Louis XIV., presented a curious mixture of aristocratic spirit and affection for the popular interests.* This plan, to which a vague celebrity is attached, had the praiseworthy merit of being suggested by the consciousness of existing abuses and evils, with the enormous defect of applying to those abuses remedies worse than the evil itself. It destroyed the centralisation of the government, and even the government itself, properly so called, suppressed the intendants of provinces, and replaced the ministers by councils.† Depriving

ceptor to the Duke of Burgundy, who, on the death of the dauphin, his father, in 1711, became heir-presumptive.

* In the works of Fénelon, t. xxii., see the writing entitled, "*Plans du gouvernement concertés avec le Duc de Chevreuse, pour être proposés au Duc de Bourgogne,*" November, 1711. The Duke of Burgundy, when he became dauphin, was associated by Louis XIV. in the labours of the council. He had, as his principal confidants in his political views, under the initiative of the Archbishop of Cambray, the Duke of Beauvilliers, his former tutor, and the dukes of Chevreuse and Saint-Simon. (See the Memoirs of the last, t. x., p. 4, 204, 209, and t. xii., p. 260.)

† The intendants of justice, police, and finance were instituted by Richelieu. All the ministries, except the office of chancellor, were to be abolished, and their powers divided among six councils, acting under the control of the council of state presided over by the king. The six councils were named, council of foreign affairs, of ecclesiastical affairs, of war, of the navy, of finance, and of despatches, or of the interior of the kingdom. This mode of administration was tried, with wretched success, under the regency of the Duke of Orleans.

royalty of its modern character, it made of it, no longer the living image, the active personification of the State, but an inactive privilege, serving merely to crown a hierarchy of privileges, and depending upon this hierarchy while rendering it protection.* This was to retrograde towards feudal monarchy, in order to avoid the evils of absolute monarchy, and to undo the work of ages instead of perfectionising it.

By the side of the States-General, which had become a regular institution, of the provincial States which were established to the number of twenty, at least, by a new division of the provinces, of cantonal diets appointed for the assessment and redistribution of the

(Voy. *Mémoires de Saint-Simon*, t. x., p. 6, 7, 8; and t. xii., p. 267, 269, and 270.)

* The whole administration ought to be exercised in each province by particular states, under the supreme control of the States-General of the kingdom. The council of the interior, of finance, and the council of state itself, have not, as far as appears, other administrative authority than the right of inspection by commissioners. We give below what the plans of government arranged with the Duke of Chevreuse express in this respect: "Establishment of particular states in all the provinces, with power, &c.—a sufficiency of the monies which the particular states may raise to pay their part of the sum total of the expenses of the state—superiority of the States-General over those of the provinces; corrections of things done by the provincial States on complaint and proof—general revision of the accounts of the particular States in regard to monies and ordinary expenses—no intendants; *missi dominici* only from time to time." (*Œuvres de Fénelon*, t. xxii., p. 579, 580, and 581.)

taxes, were found in this so-called free constitution the still more definite separation of the orders, and new distinctions of classes: for the clergy an entire independence with respect to the civil power; for the high nobility political prerogatives; for the noble born in general, the admission by preference to all the offices, the re-establishment of the *juges d'épée* in the *bailliages*, and their introduction into the parliaments; lastly, for the *Tiers Etat* there was a diminution or suppression of offices which for a long time had devolved on them.* By the strangest contrast, moreover, to provisions which seem like a contradiction to the traditional progress of society in France, there

* Support of the nobility: every family shall have one on whom sufficient property is entailed, *majorasgo* of Spain. In the families of the high nobility entails not to be small; less for the ordinary nobility—Misalliances forbidden to either sex—Ennoblements forbidden except in cases of signal service rendered to the State—Every duke a peer—They must wait for a place till a vacancy occurs; they must not attend any but the States-General. Letters for marquises, counts, viscounts, barons, as for dukes. Justice: the Chancellor, head of the *Tiers Etat*, should hold an inferior rank as heretofore. Preference given to nobles over commons of equal merit for the appointments of president and counsellors. Magistrates to be of noble birth, and those with this qualification to be preferred to professional men, when it shall be possible. No presidial judges: their rights assigned to the bailliages. To re-establish the right of one of birth as bailiff to exercise his office there. Lieutenant-général, and lieutenant-criminel, nobles if possible. (*Plans du Gouvernement concertés avec le Duc de Chevreuse*, Ibid., p. 590, 591, 592. See above, chap. vii., the demands of the nobility in the States-General of 1614.)

were joined others, the generosity of which was in advance of the times and the expectations that could reasonably be entertained; taxation was extended in every shape to all the classes of the nation; in this respect there were no longer privileges for the two first orders, nor vexation for the people from the mode in which the collection of taxes was farmed.*

In spite of the liberal doctrines which the Duke of Burgundy and his friends professed, and of which they sincerely believed that this work was the expression,† this wretched medley of contradictory elements, which was a twofold innovation, firstly, in

* *Etablissement d'assiettes*, which is a small court of each diocese, as in Languedoc, in which the bishop sits with the seigneurs and the *Tiers Etat*, which regulates the collection of the taxes according to the register of lands—To proportion the taxes to the natural productiveness of the country and the commerce which flourishes there—Cessation of excise on salt, *grosses fermes*, poll-tax, and royal tithes. Taxes by the States of the country on salt, without excise—No more financiers—Ecclesiastics must contribute to the expenses of the State from their revenues. (*Plans du Gouvernement, &c.*, Ibid, p. 579, 580, and 586.) The principle of a proportional equality in matter of taxation, one of the bases of this financial system, had been laid down by Vauban, in his celebrated memoir entitled *Dîme Royale*.

† I dare not embellish a noble expression, an expression of a prince deeply impressed: that a king is made for his subjects, and not the subjects for him, as he uttered it freely in public, and even in the salon de Marly. (*Mémoires de Saint Simon*, t. x., p. 212. Fénelon repeats continually in his political writings and correspondence, that all despotism is bad government; that without national liberties there is neither order nor

its character of a social philanthropy, and, secondly, as it restored a distinction of rights and classes according to birth,—a·distinction which raised the nobility up again from their political fall, and lowered the positions which the *Tiers Etat* had gained by length of time,—this constitution, opposed both to reason and history, had not a chance of being popular for a single day, if it could have passed from the world of dreams into that of realities. The French monarchy, when it was to be no longer absolute, should have continued administrative; French liberty should have been founded, not upon a distinction, still more marked than before, but upon the fusion of the orders, not upon the depression, but upon the continued elevation of the commonalty.

The death of the Dauphin when scarcely thirty years old, cut off at once these designs and the hopes which were entertained of his reign.* Louis XIV. had but a vague knowledge of the plans elaborated by his grandson in the secrecy of friendship.† He admired

justice in the State, nor real greatness for the prince; that the body of the nation ought to have a part in public affairs.

* He was born the 6th of August, 1682, and died the 18th February, 1712.

† After the death of the Duke of Burgundy, the king had brought to him a casket filled with private papers, which were burnt. He gave this order, not, as was thought, through vexation, and after a complete examination of them, but in consequence of a *ruse* of the Duke de Beauvilliers, who fatigued him by reading some long memoirs without interest, in order to remove his wish of hearing the rest read. Another

the serious spirit and high qualities of the young prince, but all besides was an object of distrust and antipathy to him,* and that as much from his straightforwardness of mind as from his despotic instincts. If he had within him an extravagant faith, it was his deep conviction of the wisdom of his ancestors, of the civilising efficacy of that power, when united and concentrated, which he had received from them, which he no doubt abused, but which he developed in the same way as they had done. In the midst of all the pomp of his court, he was in his way a leveller; in his estimation merit had claims superior to those of birth; he opened ways as wide as possible to the rise of new men; instead of dividing he united. He laboured to render the political unity of the country complete, and, without knowing it, prepared at a distance the accession of the one great and sovereign community of the nation.

In this manner, in spite of its too evident defects, the policy of Louis XIV. was more intelligent and of greater value for the future, than the specious imagi-

casket containing some papers relative to the matters agreed upon between the prince and his friends was saved by the latter. (See the *Mémoires de Saint Simon*, t. xii., p. 267.)

* We know the expression of the king after a conversation which he wished to have with Fénelon upon the principles of his government: "I have been conversing with the most excellent and most chimerical mind in my kingdom." (See *Voltaire, Siècle de Louis XIV.*, t. ii., c. xxxviii., p. 452, édit. Beuchot.)

nations of the reformers of his times; he formed his opinion of what ought to be his task according to the work of his predecessors, and he performed it faithfully, according to his means and powers. Whether we allow or refuse him the name of Great, which was decreed to him by admiration mixed with flattery,* it is impossible not to be sensible of the impression which is produced in history by that kingly person, calm and proud, serious and mild, attentive and reflecting, one to which the idea of Majesty so well corresponds. It is even impossible not to regret at times the severe blame which justice compels us to join to the praise which is due to him; and this feeling arises not when we contemplate his reign, brilliant with all that forms the splendour and the power of States, but when we behold the kingdom deprived of its strength and prosperity, and the monarch once loaded with glory, with nothing left to hope for but from his struggle with misfortune. It is when, vanquished on all his frontiers by the coalition of Europe, he prolonged that last combat with an unshaken firmness, forgetting himself in order to spare the country the miseries of a foreign invasion, sacrificing his pride, and ready to give his life for the national independence.† It is also when, in the severest of his re-

* This title, first inscribed on some medals struck in honour of the king, was solemnly conferred upon him in 1680 by the Hôtel de Ville of Paris.

† See the events of the reign from 1708 to 1713, the year

verses, he saw, without allowing himself to despond, his son, and his grandchildren, die around him ;* or lastly, when at the close of his existence, he expressed in touching words, an admirable constancy of mind, a courage without ostentation, which he carried even to a confession of his errors.†

of the peace of Utrecht. This constancy, this firmness of mind, this uniform outward bearing, this undeviating anxiety still to hold the helm as long as he could, this hoping against all hope, from courage and wisdom, not from blindness, these appearances in the king under all circumstances—are what few persons could be capable of, what would have made him deserve the name of Great, which had been so prematurely given to him. (*Mémoires de Saint-Simon*, t. xiii., p. 163.) I have always submitted myself to the divine will; and the ills with which it may please that will to afflict my kingdom, do not permit me to doubt of the sacrifice which it requires me to make of all that I may feel most sensibly. I forget then my glory. (Letter of Louis XIV. to his Minister in Holland, 29th April, 1709, cited by M. Mignet, *Négociations, &c.*, t. i., introduction, p. xcii.) Landrecies could not hold out any longer. (June, 1712.) It was discussed at Versailles whether the king should retreat to Chambord on the Loire. He said to Maréchal d'Harcourt that, in case of a fresh disaster, he should convoke all the nobility, whom he would lead against the enemy, in spite of his age, now full seventy-four years, and would die at the head of them. (Voltaire, *Siècle de Louis XIV.*, ch. xii., t. 11, p. 100, de l'édition Beuchot.)

* Louis, the dauphin, died in 1711; Louis, Duke of Burgundy, and his son Louis, Duke of Britanny, died in 1712.

† See the Memoirs of Saint-Simon, t. xii., p. 483, 485, and 491. Louis XIV. died 1st September, 1715, three days before he had completed his seventy-seventh year. His reign had lasted seventy-two years from the death of Louis XIII., and fifty-four from that of Mazarin.

Besides the splendour which was shed upon his reign by the renown of so many men of talent, whom it is unnecessary to name here; besides his dearly purchased glory, and transient prosperity, in all the phases of his long reign,* in spite of enormous errors, he had one incontestable merit, that of being the first to present a complete form of administration, embracing at once, without exertion, in a continuous manner, all the material and intellectual interests of the country. In this respect the government of Louis XIV. made an immense step in advance of those which had preceded it; he fixed the basis of that which I should call the administrative constitution of the government; it was, with the exception of political liberty, one of the greatest governments which France had possessed up to our days.† It is from him that we properly date the regular action of the State, the sociableness, manners, language, and national taste of our own times. At this point of our history we find our present condition in great measure established; beyond it, we have difficulty in recognising ourselves. It is like a mould, the powerful impress of which has remained on the principal elements of our civilisation, literature, art, industry, civil order, and military forces.

* I here speak only of the personal reign of Louis XIV., which lasted, as has been seen, from 1661 to 1715.

† See the *Histoire générale de la civilisation en Europe*, by M. Guizot, 14 leçon.

From this moment we see the power, free in its motions, proceed from the centre to the extremities, and thence ascend again by sure and easy ways. In the department of each ministry we see in full action those numerous offices in which traditions are preserved, and in which documents are accumulated. Lastly, we see the prudence of the government presented in a degree of maturity; it knows of what value is the care of the future, and on every point it devotes itself to it; it institutes learned societies, and insures itself effective bodies of officers; it founds schools of art and schools of arms, forms new harbours, arsenals, and scientific collections.

Some remarkable advancements towards the great national fusion of ranks accompanied the new developments of the administrative power, under Louis XIV. Considered in a social point of view, the spirit of his government was to tend by every sort of means to the approximation of classes. He annihilated the independence of the nobles without interrupting peace; compelled the great lords without apparent constraint to the court life, and to regular service in the army; and everywhere, even at court, made the dignity attached to office take the precedence of birth.*

* By degrees he reduced everybody to serve, and, to swell his court, even those of whom he made little account. He who was of age to serve did not venture to delay entering the service. This was again another expedient to ruin the lords, and to accustom them to equality, and to mix *pêle-mêle* with

Marshals, whether they were nobles or not, took the precedence of dukes; ministers of *bourgeois* birth were second to none but princes of the blood, and their wives were admitted to the King's table.* In the army there no longer existed any necessary preference of the high nobility over the inferior in regard to rank, nor of the nobility over the commons; seniority of service constituted the right to promotion, and, except in cases of signal merit or particular favour, they followed the order of the list.†

every body. . . . . Under the pretence that all military service is honourable, and that it is right to learn to obey before they command, he subjected all, without any exception but of the princes of the blood, to commence by being cadets in his body-guard, and by discharging exactly the same duties as the privates of the guards, both within doors and without, winter and summer, and with the army. (*Mémoires de Saint-Simon*, t. xiii., p. 56.)

* Thence the secretaries and ministers began to leave off, one after another. first the cloak. then the bands; then, after the black, the plain, simple, modest dress; lastly, to dress themselves as persons of rank, then to assume their manners, then their privileges, and, step by step, they were admitted to dine with the king; and their wives, first for personal reasons, as Madame Colbert long before Madame Louvois; afterwards, some years after her, all by right of the places which their husbands held, to dine, and to come in their carriages, and to be the same in all respects as ladies of the highest quality. (Ibid. p. 17.)

† Great and small, known or unknown, were then forced to enter and continue in the service, to be then as common people in a position of equality, and in the most abject de-

The old aristocracy, generally cut off from public affairs, had no longer either power or political influence as a distinct class; the sum of their privileges was reduced to exemptions from taxes, which the exchequer frequently rendered illusory, to the exclusive right of admission into an order of knighthood,* and to some seigneurial rights, which had become less profitable to them than burdensome to the inhabitants of the country.† One of their members, a man of talent, but infatuated with family pride, calls the reign of Louis XIV. *a reign of the vile bourgeoisie*, words the bitterness of which proves that after Richelieu and the fall of the Fronde, something took

pendence on the minister of war, and even of his clerks. (Ibid, p. 58.) It was laid down that every one, whoever he might be, who was in the service, should continue in a state of complete equality, as far as service and rank were concerned. This made promotion to a regiment or delay much more sensibly felt, because all the other promotions which, were only made according to seniority, which is called *l'ordre du tableau*. depended on this. (*Mémoires de Saint-Simon*, t. xiii., p. 56.)

* The order of the Saint-Esprit.

† The privileges of the nobles are but shadows and cobwebs, which do not protect them from anything. Their tenants and their lands pay the king such excessive taxes, that all the income of their property is consumed. Under pretence of remedying some disorders, which doubtless required to be looked to, intendants have been sent into the provinces, who exercise over the nobles an intolerable dominion, and reduce them to slavery. At present it is necessary for a noble to have right twice over to gain a suit against a peasant. (The *Soupirs de la France esclave*, &c., Amsterdam, 1689, p. 15.)

place in France towards the furtherance of civil equality, which had the appearance of revolution in the eyes of contemporaries.*

At the same time that the nobility, humbled without violence, retrograded upon the ranks of the middle class, the latter rose by a start more suddenly than ever in capacity, social consideration, and importance in the State. It was to them that the new encouragements given to industry and study were profitable; their active and inventive powers were developed in every direction; fortunes were rapidly accumulated by their more extended undertakings, and the highest careers were now opened to their ambition of advancement. They obtained successes, credit, and power, the examples of which struck forcibly the great moralist of the age. La Bruyère has described with his inimitable touch, that emulation of useful labour, in contrast with the supineness of spirit and the idleness of the high nobility.† Under Louis XIV.

* *Mémoires de Saint-Simon*, t. iii., p. 316. Thence the elevation of the pen and the gown, and the depression of the nobility by degrees, which may be observed elsewhere even to a marvel, as is seen and felt to-day; and these gentlemen of the pen and gown have known well how to keep it up, by aggravating their yoke every day; so that things have come to such a pass, that the highest seigneur receives no consideration whatever, and that in a thousand different ways he depends on the lowest commoner. (Ibid, t. xii., p. 265.)

† While the great neglect to learn anything, I do not mean only of the interests of princes and public affairs, but even of their own; while they are ignorant of the economy or

almost all the ministers sprung from the *bourgeoisie*;* many of the illustrious names among the military,† and among the literary all the great names with three exceptions were plebeian.‡

knowledge necessary for a father of a family, and pique themselves upon this ignorance; while they allow themselves to be impoverished and managed by their stewards; while they are content to be connoisseurs and *côteaux*, to call on Thais or Phryné, to speak of the hounds or of the old pack, to tell how many stages there are from Paris to Besançon or Philisbourg, citizens instruct themselves in the domestic and foreign interests of the kingdom, study the government, become acute and political, know what are the strong and weak points of a whole state, think how to place themselves, obtain place, raise themselves, become powerful, relieve the prince of a part of the public cares. The great, who despised, learn to respect them, happy if they only become their sons-in-law. (*Les caractères de la Bruyère*, ch. ix., *Des grands*.)

* On the list of secretaries of state, before and since the time of Mazarin, the following names strike us at first sight: Bouthillier, Bailleul, Servien, Guénégaud, Fouquet, Michel le Tellier, Le Tellier de Louvois, Le Tellier de Barbézieux, Jean-Baptiste Colbert, Colbert de Seignelay, Colbert de Croissi, Colbert de Torci, Arnaud de Pomponne, Phélipeaux de la Vrillière, Phélipeaux de Châteauneuf, Le Péletier, Desmarets, Chamillard. The chancellors, as formerly chosen from the magistracy, do not figure in this catalogue, unless they had made their *débût* in the ministry through another department than that of justice.

† Fabert and Catinat, Duquesne and Duguay-Trouin.

‡ Corneille, Pascal, Molière, Racine, La Fontaine, Boileau, Bossuet, Bourdaloue, Fléchier, Massillon, La Bruyère, Arnaud, Nicole, Domat, and, if we add the artists, Le Poussin, Le Sueur, Le Lorrain, Philippe de Champagne, Lebrun, Pujet.

But if this last glory, the highest and most lasting of the reign, the one which makes it reckoned as an epoch in the history of the human mind, results in so large a proportion from the *Tiers Etat*, a share of it is also due to the personal influence of the King. Not only did Louis XIV., with the advice of Colbert, make a provision for literary persons by instituting regular pensions in their favour; but of his own accord he did more, he honoured them with his favours. He assigned them a place at court, and placed their free association, the French Academy, in the rank of the great corporations of the States.* He ennobled literature in a manner by his familiarity full of consideration with the principal among them; and by his natural dignity, his correctness of judgment, and his purity of taste, he exercised, without laying claim to it, a real influence over it.† Something of that chastened boldness, of that perfect proportion of force and grace, of reason and imagination, which is

The excepted names are those of Fénelon, Larochefoucauld, and Madame de Sévigné.

* The Academy, since the death of Richelieu, was under the official patronage of the chancellor. About 1672 the king declared himself personally the patron, and conferred on it the right of coming to address him on solemn occasions, as the parliament and the other superior courts did.

† Ce monarque, dont l'âme aux grandes qualités
Joint un goût délicat des savantes beautés,
Qui, séparant le bon d' avec son apparence,
Décide sans erreur, et loue avec prudence.

*Molière—Poëme du Val-de-Grâce.*

the character of the *chefs d'œuvres* of the second half of the seventeenth century, is derived from him.*

The same reign which put the seal on political unity, and carried out administrative unity almost to its entire development, laid the foundations also of that which may be called the moral unity of France. From the approximation of classes and different professions, from the more frequent intermixture of the nobility and *bourgeoisie* in the high spheres of government, fortune, and society; a mixed society was formed under Louis XIV., no longer confined to the intimacy of certain *salons*, but co-extensive with the general intercourse of life,—the genuine society of France modelled upon one and the same type of refinement and good taste. Thither the hereditary habits, the traditional manners, the characteristic traits, derived by each from his origin and his condition, came to be fused and tempered together in one form of good breeding. Nobles and commoners, military men and professional, literary and commercial, were no longer distinguished on their first introduction by a contrast of manners.† A tinge of urbanity shed over all conditions, assistance of every kind held out to meet the want of instruction, an easy life and refined pleasures made Paris a residence

* See the *Histoire de la Littérature Française*, by M. D. Nisard, t. ii., chap. vii.; and the *Histoire de France* by M. Henri Martin, t. xv., p. 33, and foll.

† All the different conditions of life were before easily recognised by the defects which characterised them. The mili-

attractive to foreigners; while, among ourselves, the conformity of tastes and mind extending wider and wider, opened the ways to a social power, which soon gained the ascendancy over all the others,—the power of public opinion.

By a movement similar to that which had taken place in the political order, and next in the administrative order, the moral life of the nation was also more and more attracted to the centre. The ideas, the modes of life and thought peculiar to each province, were weakened and modified under the dominion of a general rivalry; of a leaning to imitate the tone and the manners of the capital. This impulse even extended its action beyond its sphere, it produced political effects; it hastened the ruin of the ancient provincial institutions, already far

tary and youths intended for the profession of arms affected an impassioned liveliness; the lawyers a forbidding gravity, to which the custom of always wearing the gown, even at court, did not a little contribute. It was the same with members of the university and physicians. The merchants also wore short coats when they assembled together, and when they waited on the ministers, and the greatest merchants were at that time men of coarse manners. But the houses, the theatres, the public promenades, where they began to assemble to enjoy a more agreeable life, gradually rendered the comportment of all the citizens almost the same. It is perceived at the present day, that even behind the counter politeness has gained upon all the classes. The provinces have been in the course of time affected by all these changes. (Voltaire, *Siècle de Louis XIV.*, édit. Beuchot, chap. xxix., t. ii., p. 269.)

advanced, throughout the kingdom. Although under and after the reign of Louis XIV. there still existed particular states in France preserving by exception their Deliberative Assemblies, this remnant of the liberties of the Middle Ages was but a shadow before the power of the intendants, which was becoming more and more active and absolute.* Nowhere, except in Brittany, and there for reasons belonging to the particular history of that province, did the resistance of the ancient corporations to the encroachments of the central authority induce anything beyond a waning opposition and struggles without any important result.†

Since the reign of Henry IV. up to an advanced period of the reign of Louis XIV., the municipal system had not undergone any important alteration. Although watched and controlled in a manner more and more strict,‡ this system preserved its old foun-

* These magistrates, instituted by Richelieu in 1635, under the title of intendants of justice, police, and finance, were suppressed during the Fronde, and re-established by Mazarin. It is at that time that the particular states of the provinces, with the exception of Languedoc, ceased to be assembled. The territories, for which the name of *pays d'états* was from that time specially reserved, are, Languedoc, Britanny, Burgundy, Provence, Dauphiny, Flanders, Artois, Hainault, and Cambresis, the county of Pau, the county of Foix, Bigorre, Marsan, Nébouzan, and Quatre-Vallées.

† See the work entitled, *Une province sous Louis XIV.*, by M. Alexandre Thomas.

‡ Edicts of Louis XIII., July, 1622, May, 1633, and May,

dations and its principle of liberty by the election of magistrates, when a stroke of government of a fiscal rather than of a political nature abolished it as a right, and, as a fact, only left to it a precarious and conditional existence. In the severest pressure of a war, the expenditure of which was only covered by means of financial expedients, among which figured the creation of venal offices,* government hit upon the idea of seizing upon the urban magistracies, and upon all the offices in the gift of the cities, of erecting them into hereditary offices, and of selling

1634, created, with the title of royal offices, hereditary registrars in all the cities and communities of the southern provinces; and another edict of the same king, June, 1635, instituted, besides these officers, hereditary attorneys of the city in the municipalities within the jurisdiction of parliament, and of the chamber of exchequer at Paris. The motives of this double creation are thus declared by Louis XIV., who, by an edict of July, 1690, renewed and extended it through the whole kingdom:—"The late king, our very honoured lord and father, believed that, for the purpose of restoring order in the said communities, to prevent the waste of their common revenues, both of patrimony and grant, and to stop the course of abuses which were committed with too much licence, there were no more sure means than to establish certain permanent officers, who, having an entire knowledge of affairs, should be in a position to instruct the other elective magistrates, who are only temporary, and all concurring together for the same purpose, should not fail to make the public perceive the salutary effects of a good administration." (*Rec. des anciennes Lois Françaises*, t. xx., p. 106.)

* The war with Germany commenced in 1668, and was concluded in 1697 by the treaty of Ryswyk.

them, at the highest price, either to individuals or to the cities themselves. A permanent mayor, and assessors, who were hereditary candidates for the offices of échevins, consuls, capitouls, jurats, syndics, were imposed upon all the municipalities of the kingdom,* which ceased to be elective (unless they should have purchased the new offices with their revenues), in order to abolish them, or, as they said, to re-unite them to the corporation of the city.

In putting up these offices, now become royal, and set off with the title of counsellors of the king,† to the highest bidder, they had calculated on the one hand upon the passion of the rich *bourgeois* families for hereditary appointments; on the other, upon the

* Paris and Lyons, by a dispensation of exception, retained their prevôts de marchands; but these two cities each received twelve assessors in virtue of hereditary offices. See the edict of August, 1692, creating mayors and assessors in each city and community of the kingdom; the decree of the council of the 5th December, 1693, containing a general regulation for the duties, rank, and sittings of the mayors, assessors, &c.; the edict of March, 1702, creating in each province lieutenants of the prévôts des marchands at Paris and Lyons; and the edict of December, 1706, creating a permanent mayor and lieutenants of mayors, to act by turns and triennially in each city. (*Rec. des anciennes Lois Françaises*, t. xx., p. 158, 203, 408, 410, and 492.)

† The king having, by his edict of the month of August, 1692, created offices of counsellors of his majesty, permanent mayors of cities, places, and communities of his kingdom, assessors of the said mayors, and commissioners of inspection in the cities and military magazines, by another edict of the same month. . . . (Decree of the Council, December 5, 1693.)

attachment of the cities to their immemorial franchises; and this daring confiscation of the municipal system was founded, above all, on the political impotence to which, in spite of the popular character of its forms, this system was reduced. In reality no rising took place in its defence; there was only a general complaint, more or less sharp, more or less bitter, but everywhere followed by submission. The cities, both great and small, made it a duty and a point of honour with themselves to buy back their privileges; at the price of heavy sacrifices they became the purchasers of the greater part of the newly-created offices, and what is worthy of remark, this *reunion*, which let the ancient state of things still exist, or re-established it, far from being displeasing to the government, received, on the contrary, its co-operation.*

When the reign of Louis XIV. terminated, the

* . . . . We have resolved, not only to suppress those of the said offices which remain to be sold or reunited, and to grant to the communities the liberty of having the duties performed by the subjects whom they shall choose to appoint, but moreover, in order to re-establish in the hôtels de ville of our kingdom the order which was established there before. our said edicts for the election of mayors, lieutenants of mayors, secretaries, registrars, and other officers necessary for the administration of their common affairs, to permit the communities to dispossess the purchasers or nominees of those offices . . . . . by reimbursing them, however, in one single payment for what they shall have paid. (Edict of September, 1714, *Recueil des anciennes lois Françaises*, t. xx., p. 637.)

urban administration presented the strangest incongruities. According as the cities were in a condition to buy back their franchises, there were some municipalities elective, others permanent, others composed partly of offices dependent on the community of citizens, and partly of those possessed in right of private property. This irregularity, and the acts of authority which had produced it, formed a prominent feature among the grievances, the redress of which was demanded in the most pressing manner of the legislation under the new reign. The answer desired was not long delayed; and in the month of June, 1716, the Prince, who ruled in the name of Louis XV., then a minor, decreed that all the cities of the kingdom should enter again into the full enjoyment of their rights. This edict, by which all the offices—whether re-united or not, whether paid for or not by the cities—were suppressed, proclaimed the restoration of the ancient municipal government, and seemed seriously to guarantee it respect and support.* But

* *We desire to re-establish the order which was observed* before 1690 in the administration of all the cities and communities of our kingdom, whether they shall have bought or re-united the said offices, under whatever title it might be, in order to have the liberty of having the exercise of them in whole or in part, or in order merely to enjoy salaries and rights belonging to them, or whether the said offices may have been sold to private individuals; we have determined to suppress all the offices without exception, and to give to all the cities, communities, and parishes of our kingdom the

the illusion was short in this respect: a great fiscal experiment had been made; it was ascertained that the cities put to ransom for rights which were dear to them, paid without resistance; six years after, in a formidable crisis of the treasury, all the municipal offices, created and put up to auction by Louis XIV., were treated in the same way by the regent.*

This second confiscation of the communal liberties, more open than the first, described without evasion as a financial expedient,† marked their destiny for

liberty which they possessed, to elect and nominate mayors and échevins, consuls, capitouls, jurats, secretaries, registrars, syndics, and other municipal officers, in order to administer their common affairs. (*Rec. des anciennes Lois Françaises*, t. xxi., p. 117.) See the declaration of 17th July, 1717, ordering that the mayors and other officers of the hôtels de ville shall be elected as they were before the year 1690, and the decree of the council of the 4th September in the same year. (Ibid, p. 148 and 156.)

* The necessity of providing for the exact payment of the arrears, and for the repayment of the capitals of the debts of the government, has obliged us to look for the means most convenient for the purpose, and we saw no surer expedient, nor one less onerous to our people, than the re-establishment of the different offices suppressed since our accession to the crown. (Edict of August, 1722, *Rec. des anciennes Lois Françaises*, t. xxi., p. 209.)

† In the edict of August, 1692, the real motives had been dissembled, and disguised under political pretexts:—"The care which we have always taken to choose the most capable of our subjects among those who have been presented to us to fill the office of mayor in the principal cities of our kingdom, has not prevented cabals and parties from having very often

the future. They were thenceforth reckoned among the means of raising money in extreme emergencies. It was the play of the Government to sell, withdraw, and to sell again its appointments of mayors, lieutenants of mayors, assessors, échevins, consuls, capitouls, jurats, permanent syndics, and to squeeze the cities by the renewed threat of an intrusion of hereditary officers.* From 1722 to 1789 the municipal government did not remain for sixteen years free from the payment of a ransom. In this space of time, with the exception of two intervals—one from 1724 to 1733, the other from 1764 to 1771—no election of magistrates in the communes could be

taken part in the election of these magistrates, whence it has almost always happened that the officers so elected, in order to keep well with the individuals to whom they are indebted for their employment, and with those who they foresee would succeed to their power, have overcharged the other inhabitants of the cities, and especially those who refused them their votes. . . This is why we have judged it advisable to create mayors by right in all the cities and places of our kingdom, who not being indebted for their offices to the votes of private individuals, and not having reason to fear their successors, shall exercise the duties of their office without prejudice, and with all the liberty which is necessary to preserve equality in the public offices. (*Rec. des anciennes Lois Françaises*, t. xx., p. 159.)

* The offices established in 1722 were suppressed by the edict of July, 1724; they were established again by the edict of November, 1733, and suppressed again by the edict of August, 1764; the edict of November, 1771, re-established them for the third time, and this was definitively.

made except by virtue of letters-patent, which they had to purchase.* Thus the original right did not exist any longer in reality, even there, where in appearance it continued to be exercised; and this state of things continued up to the epoch of the revolution.

I have anticipated the order of time, but it is in order to mention, once for all, those sad and monotonous vicissitudes which a less summary history will exhibit at length. At the point which I have reached, if the ancient municipal government were still an object of pride and attachment from its recollections with many cities, it had completely ceased to be a source of strength to the progressive classes of the nation. I shall not speak of them any further; but it is not without a sympathetic regret that I bid adieu to those

* The edict of 1724, which gratuitously suppressed for the second time the offices imposed on the cities, was delivered at the accession of a new ministry, that of the Duke of Bourbon, and the new administration sought a means of popularity in that suppression. The edict of 1764, which, by suppressing the hereditary municipal offices for the third time, declared that they should not be re-established under any pretext, was delivered by the popular administration of the Duke of Choiseul. It was his object to model in an uniform shape the urban administration throughout the kingdom, by giving it as its basis election by an assembly of notables. It was the ministry in which the Abbé Terray held the department of finance which made the municipalities subject again to the system of offices, maintained this time up to the revolution. (See the *Rec. des anciennes Lois Françaises,* t. xxii., p. 405 and 539.)

free communities, which were the cradle of the *Tiers Etat*, the first and vigorous expression of its political instincts. For the historian who may wish to follow them in their extreme decline through the eighteenth century there will still be circumstances worthy of remark, and characteristics of moral excellence to extol. Such must be reckoned, for instance, that constancy exhibited in the cities which made them exhaust their wealth for the purchase of a last remnant of liberty, though it made no advantageous return of prosperity or public order, and a sentiment of the sacredness of civic rights, expressed in high and proud language in the complaints which were addressed in their name to the government which exacted their ransom.*

* The payment of the price exacted for the reunion of the municipal offices took place either separately in each city, or collectively through the province. Inquiries about the sums voted for that purpose in one or the other method would not be without interest. Before the edict of 1771, the states of Provence had already expended, to keep up the right of election in the cities and boroughs of the country, 12,500,000 francs; after the promulgation of this edict, the state of Languedoc bought back the offices which it re-established for 2,500,000 f.; and the city of Perpignan, in the name of all the municipalities of Roussillon, paid 250,000 f.—Why these efforts so frequently repeated—why this exhaustion of our resources, if we had not thought that we were performing an act of duty by purchasing with the wreck of our patrimony this inalienable and imprescriptible right of election, a right which we have preserved at the expense of our fortunes? (Remonstrances of the Parliament of Provence, 1774, Raynouard, *Histoire du Droit Municipal en France*, t. ii., p. 362.)

If the municipal institutions were not able to raise themselves up from the indirect blow aimed at them by Louis XIV., it was not so with the great judicial institution on which the spirit of the *Tiers Etat* was so forcibly impressed.* Struck at directly by the king in its political prerogatives, the parliament bent beneath him, but only for a time; and when he was dead, it sprang up again, more powerful than ever. This power of the supreme corporation proceeded from two opposite sources—the one popular, the other aristocratic: the latter was the *esprit de corps* increased by the pride of family from the inheritance of offices; the former was the affection of the commonalty, arising from sympathy of origin, and cherished by long services rendered to the cause of common right, of civil equality, and national independence.†

* See above, chap. ii.

† See above, chaps. iv., vi., and viii.—In consequence of the revolution, which in the fourteenth century filled the parliament and the other supreme courts with lawyers, the whole judicial order, with the exception of bailiffs and seneschals, was ranged in the *Tiers Etat*. Such was its place in the States-General of 1614, and if, in the course of the seventeenth century, there had been other meetings, the same thing would have been observed. In the middle of the following century it was still a controverted point between the nobles who filled judicial offices and the professional men, whether all the magistrates, whatever might be their extraction, did not belong to the third order. (See the list of the deputies of the *Tiers Etat* at the States-General of 1614 below, in Appendix II.)

As we have already seen, the history of the parliament since the thirteenth century is a succession of slow but always sure advancements; it grows in the eyes of the nation at the same time as Royalty, which it seemed at once to aid and to watch, whose way it enlightens, and which it aspires to direct. In the sixteenth century its legislative control, its right of remonstrance before the registration of edicts, was either accepted by the king or demanded by opinion;* and as not only the edicts of the kings, but also the bulls of the pope invested with the royal authorization, and the treaties concluded with foreign powers, were necessarily registered, the parliament interposed in all the great affairs of the state, both foreign and

* Thus Charles IX., in spite of all the harshness with which he treated this body, in that which took place on the subject of the registration of the edict declaring his majority, did not omit at the same time to approve the custom of remonstrances, and to preserve its ancient liberty to the parliament in this respect. (D'Aguesseau, *Œuvres complètes*, t. x., p. 8, édition Pardessus.)—Whence it is necessary that all edicts be verified, and as it were controlled, in these courts of parliament, which, although they are only a form of the three estates on a small scale, have power to suspend, modify, and refuse the said edicts. (*Mémoires de Nevers*, edit. of 1665, t. i., p. 449.)—The ordinary edicts not having authority, and not being approved by the other magistrates, if they have not been received and verified in the said parliaments, which is a rule of state by means of which the king would not be able, if he wished it, to make unjust laws, as soon after they would be rejected. (*Mémoires de Michel de Castelnau*, lib. i., chap. iv., p. 6.)

domestic.* It regarded itself with pride as a power invested with the guardianship of the public, a mediator between the people and the king, a moderator between the Crown and the Church, a preserver of the laws and regulator of all the jurisdictions of the kingdom.† Its pretensions, kept down in the seventeenth century under the ministry of Richelieu,‡ re-appeared

* In 1527, Francis I. submitted to an assembly, composed of members of the parliament of Paris and the other parliaments of France, the treaty of Madrid, which he had signed the preceding year, and declared that the omission of registering it rendered that act null. It is the registration necessary in the case of bulls, which, affording to parliament the opportunity of making remonstrances on ecclesiastical affairs, enabled it to constitute itself the guardian of the maxims and rules of the Gallican Church.

† The greatest number of these bodies, and the individuals who compose them, live in the belief that they are the guardians of the king, the protectors of the people, the mediators between the people and the kings, and that the kings cannot make any law in their kingdom which may not have undergone their judgment and examination, and other assertions and ideas of this nature. (*Mémoire* addressed to Cardinal Richelieu by Marillac, the keeper of the seals, *MS. de la Bibliothèque Impériale, Suppl. Franc.*, 98, fol. 91.)

‡ The chancellors and keepers of the seal of Louis XIII. made use of these remarks, and other similar ones, towards the members of the parliament: "That if they forgot what they were, the king would not forget that he was their master; that it was not their business to meddle with affairs of state; and that the king forbade them to assume the character of being his guardians." (See the *Mémoires d'Omer Talon*, throughout, and the edict of February, 1641. *Recueil des anciennes Lois Françaises*, t. xvi., p. 529.)

with more pride and greatness than even during the Fronde: it then went so far as to believe itself superior to the States-General, and to put forward by the mouth of its heads this strange and bold paradox.*

The impression which Louis XIV. received from the troubles of his infancy rendered the least opposition of the parliament odious to him at an early period. In 1655, when he was but seventeen years old, and had not yet assumed the government, having learned at Vincennes that the court, with all its chambers assembled,† was deliberating on an edict,

* After the convocation of the States-General in March, 1649, the parliament of Rouen wrote to that of Paris to ask whether it ought or not to send some of its members to the assembly of the states. The opinion of the president De Mesmes, according to the statement of a contemporary, was as follows: "M. de Mesmes said that the parliament had never sent deputies there, being composed of the three estates; that they had precedence of rank over the States-General, being judges of that which was decreed in them, by having to verify it; that the States-General only acted on petition, and spoke only by permission as subjects; but that the parliament held a position above them, being as it were mediators between the people and the king." (*Journal d'Olivier d'Ormesson*, quoted by M. Chéruel in the treatise entitled, *De l'Administration de Louis XIV.*, p. 44.) The court of exchequer decided, as the parliament of Paris, that it would take no part in that assembly. In the States-General of 1614 were seen, as deputies of the *Tiers Etat*, for the city of Paris, Robert Miron, president of the court of requests; for the *Sénéchaussée* of Lyons, Pierre Austrein, president of the parliament of Dombes; and for the *bailliage* of Touraine, Jacques Gauthier, councillor of the parliament of Britanny.

† The parliament of Paris in the seventeenth century was

he came in his riding dress into the room of the palace, and followed up this cavalier entrance with some imperious orders, which is one of the traits of his life most frequently quoted, and which at once revealed the haughtiness of his character.* When he had taken the government in hand, he dealt some blows less rough, but with a more lasting effect, at the prerogatives of parliament. First, he suppressed the name of sovereign courts and officially replaced it by that of Superior Courts, he next abolished in all the courts of the kingdom the power of making remonstrances before registering the laws. This was to spoil the parliament of its political part, and to

composed of eleven chambers, namely, the *grand chambre*, in which the oldest councillors, and those who had worn the president's cap, sat; a criminal court, commonly called *la Tournelle;* a civil court; a court sitting during the recess; two courts of requests; and five courts of inquests, formed of the youngest councillors.

* The parliament decreed to make remonstrances upon an edict regarding finances, and the minister assumed that, a court of exchequer being established, it did not belong to parliament to meddle with that matter. The king started from Vincennes, entered parliament in his riding-dress, and whip in hand. He addressed the premier president, and said to him, "We know the troubles which your assemblies have produced; I desire that you put a stop to those which you have commenced on the subject of my edicts. Monsieur le Premier President, I forbid you to allow them; and you," turning himself towards the councillors of the courts of inquests, "I forbid you to require them." (Voltaire, *Histoire du Parlement de Paris* édition Beuchot, p. 275.)

confine it for the future within the circle of its judicial functions. Such was the object of the declaration of February 24, 1673,* against which there was raised from the midst of that body, which was wounded in its most cherished rights, a protest which d'Aguesseau admired, and which he calls the last cry of expiring liberty.† From that time to the end of the reign, that is to say, during forty-two years, there was not the shadow of a remonstrance from the court; all the fresh edicts were inserted in its registers, and so rendered capable of execution without discussion and without delay.‡

* We desire that our courts may have purely and simply to register our letters patent, without any modification, restrictions, or any clauses which could suspend or hinder their full and entire execution; and yet, should our courts, in deliberating upon the said letters, consider it necessary to make their remonstrances to us upon their contents, they shall be entered in the register, and the decree drawn up, not, however, till after the decree of registration shall have been purely and simply given, and separately drawn up. . . . The remonstrances shall be made or presented to us within eight days by our courts of our loyal city of Paris, or other which shall be in the place of our residence, and within six weeks by our other courts in the provinces. (*Recueil des anciennes Lois Françaises*, t. xix., p. 70.)

† *Œuvres complètes du Chancelier d'Aguesseau*, t. x., p. 15, édit. Pardessus. These remonstrances, celebrated in his time, have never, as it appears, been published, and I have looked for them in vain. They are wanting in the registers of the parliament, which are preserved in the national archives.

‡ See D'Aguesseau, *Œuvres complètes*, loc. cit. The registration of a law was accounted perfect when the original, sealed with the great seal, had been read before all the

But this silence did not extinguish the political life of the parliament, which seized again, in a striking manner, upon its liberty and power the day after the death of the great King. It annulled the will of Louis XIV. as seventy-two years before it had annulled that of Louis XIII.* It assumed again, and from that time preserved the venerated name of Sovereign court, which seemed to give it a claim to a share of the Sovereignty.† Its intervention in the affairs of State was more frequent and decided than ever. It became aggressive and usurping upon the weakened royalty, and the public opinion followed it in this bold career, attached to it by the very excess of its pretensions and its pride. The sole remaining one of all the ancient institutions which the seventeenth century had not despoiled of power and popu-

chambers together, and copied as a minute by the registrar of the parliament. This copy, made upon stamped sheets of paper, was the authentic act deposited among what were called the *minutes* of the court. The last transcription upon the register in parchment could be deferred at pleasure.

* See the *Histoire de France*, of M. Henri Martin, t. xiii., p. 360, and t. xvii., p. 143.

† It was necessary for a thousand reasons . . . . to diminish the excessive authority of the principal bodies, under the pretence that their judgments were without appeal, and, as they speak, sovereign and final; having gradually assumed the name of sovereign courts, they looked upon themselves as so many distinct and independent sovereignties. I made them understand that I would no longer endure their encroachments. (*Œuvres de Louis XIV.*, t. i., p. 46.)

larity, it was the legal chain, which, through the States-General, whose last convocation it promoted, led to the new order of things, in which it made its own disappearance.

END OF THE FIRST VOLUME.

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# THE FORMATION AND PROGRESS OF THE TIERS ÉTAT, OR THIRD ESTATE IN FRANCE.

BY

AUGUSTIN THIERRY.

VOL. II.

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APPENDIX II.



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# FIRST FRAGMENT

OF THE

# COLLECTION

OF

# UNPUBLISHED MEMORIALS

OF

# THE HISTORY OF THE TIERS ÉTAT.

(A DESCRIPTION OF ANCIENT MUNICIPAL FRANCE.)*

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Summary: The actual Extent of France, divided with a view to the History of the Municipal System into Three Zones and Five Regions, viz.:—1. The Northern Region; 2. The Southern; 3. The Central; 4. The Western; 5. The Eastern and South-eastern.—The Northern Region, comprising Picardy, Artois, Flanders, Lorraine, Champagne, Normandy, and the Ile-de-France—The Southern, comprising Provence, Comtat-Venaissin, Languedoc, Auvergne, Limousin and Marche, Guienne and Périgord, Gascony, Béarn and Basse-Navarre, Comté de Foix and Roussillon—The Central, comprising Orléanais and Gâtinais, Maine, Anjou, Touraine, Berri, Nivernais, Bourbonnais and Burgundy—The Western, comprising Britanny, Poitou, Angoumois, Aunis and Saintonge—The Eastern and South-eastern, comprising Alsace, Franche-Comté, Lyonnais, Bresse, and Dauphiny.

THE municipal history of ancient France, which forms the foundation and principal part of the history of the *Tiers Etat*, has only lately obtained the high degree

* This fragment is the Preface to the second volume of the Collection.

of importance and consideration which it deserved in public opinion. It was necessary for this purpose that modern revolutions, by displaying themselves before our eyes, should have taught us to observe and understand the revolutions of the middle ages. It is thus that a new historical meaning has been given to that which was called, by too modest a name, the enfranchisement of the communes; and that we have recognised all the characteristics of a real revolution in an event which had been hitherto classed among the administrative reforms of the French Crown. The complex question of the revival of the free municipalities in the twelfth century has from the first been treated in an imperfect, if not a partial, manner. There were different and, apparently, contradictory solutions—according to the point of view in which each author was placed by choice or chance—one considering, above all things, the uninterrupted duration of the municipal system, another, its sudden rejuvenescence, caused by a new spirit and by new constitutions; the latter, the act of concession or arrangement which emanated from the royal or seigneurial power; the former, the initiative taken by the *bourgeoisie* and the revolutionary tendency.* Next, in proportion as the

* See the *Lettres sur l'Histoire de France*, 1827; The *Histoire Critique du Pouvoir Municipal*, by M. Lebert, 1828; the *Histoire du Régime Municipal en France*, by M. Raynouard, 1829; and the *Histoire de la Civilisation en France*, by M. Guizot, t. v., 1830.

problem has been introduced into scientific discussion, these divergent views approached one another; a more enlarged and superior position was adopted, comprising them both, which, taking into consideration all the principles of the great municipal movement of the twelfth century, admits, at the same time, in order to explain it in its causes and its results, the traditional element and the inspiration that gave it new life, a spirit of wise liberality on the part of the rulers, and the exercise, irresistible when it is just, of the popular will.

The present state of our information enables us to consider two points in the communal revolution; on the one hand, the ground of this revolution or its spirit, on the other, the new forms of municipality which it has created. The ground is the same from one end of actual France to the other; it is, in the case of all the cities where it makes itself felt, in the course of the twelfth and thirteenth centuries, the need of progress and of a guarantee for civil liberty, a more or less ardent desire of substituting an elective magistracy for the feudal powers: as to the form, it varies according to the zones of the territory. As we have seen, in the Essay on the History of the *Tiers Etat*,* a municipal constitution borrowed from Italy, in which the magistrates bore the title of consuls, spread itself from city to city in the south; in the north, there was ex-

* Chapter i., p. 37 and following.

tended in the same manner a constitution of a different origin, the *commune,* properly so called, or the municipality organised by an association and mutual assurance of the citizens under the guarantee of an oath.* These two currents of constitutional propagandism, advancing, the one from south to north, the other from north to south, and stopping at certain distances, left neutral an intermediate zone, in which the urban administration preserved its ancient forms, either intact, or variously and slightly modified. Such is the picture of municipal France in the middle ages. Three great divisions are marked out in it by lines drawn from east to west,—the zone of the consular government, the zone of the communal government, and the zone of municipal towns left unreformed, and of cities governed simply by the *bourgeoisie.* I ask the reader's pardon for these obscure forms. I do not dilate upon them here, I only recall to memory, in as few words as possible, what I have expressed and developed elsewhere.†

Under the division of the French territory into three zones, a secondary one may be traced, which divides it into five regions, each composed of many

* Upon the German institution of the *Ghilde,* and on the primitive meaning of the word *Commune,* see the *Considérations sur l'Histoire de France,* chap. v., 3d edit., p. 217 and following, p. 229 and following.

† Essay on the History of the *Tiers Etat,* chap. i. *Considérations sur l'Histoire de France,* chap. v., 3d edit., p. 212 and following.

provinces, and presenting essential differences as to the origins and organisation of the municipal system. These are according to the names which I give them, and the order in which I propose successively to describe them,—the regions of the North, the South, the Centre, the West, and the East and South-east.

## I.

The region of the north, which is the cradle, and, if I may use the expression, the classic ground of the *communes jurées*, comprises Picardy, Artois, Flanders, Lorraine, Champagne, Normandy, and the Ile-de-France, provinces, of which each presents in its municipal institutions, together with general characteristics which are common to all, certain peculiarities of its own.

Among these provinces, Picardy is the one which comprises the largest number of communes, properly so called, in which this form of government attains the highest degree of independence, and in which it presents the greatest variety in its applications.* It is

* The communes of Picardy had, in general, the entire administration of justice, *haute*, *moyenne*, and *basse*. Not only did the municipal charters of the cities in this province apply to simple villages, of which some no longer exist, but there were also confederations of many villages or hamlets united together in municipalities, under a charter and magistracy collectively. Such were Vaisly, Condé, Chavones, Celles, Pargny nd Filain, in the Soissonnais; and, in the Laonnais, Cerny

here that we can observe the curious fact of the filiation of the communal charters, and of their diffusion by the force of example, either in the same province or beyond its boundaries, and, sometimes, at great distances.* French Flanders, dismembered from Belgian Flanders, and Artois, anciently placed under the same seigniory as the latter province, have a common type of municipal organisation. The principal trait of this resemblance consists in the fact that the *commune jurée* does not appear alone, but is in a manner accompanied by the *Institution of Peace*, a relic of the *Truce of God*, maintained as an establishment of urban police under the authority of special magistrates.† In Lorraine, the three ancient episcopal cities, especially Metz, present, together with institutions which are not found elsewhere, the most decided character of municipal independence.‡ With regard to the rest,

Chamouilles, Baune, Chevy, Cortone, Verneuil, Bourg, and Comin. Le Marquenterre, a vast canton of Ponthieu, received, in 1199, the communal charter of Abbeville. See the eleventh volume of the *Recueil des Ordonnances des Rois de France*, pp. 231, 237, 245, 277, and 308.

* From the charter of Amiens are derived those of Abbeville, Doullens, and many cities of Ponthieu. The charter of Soissons is repeated or imitated in those of Crespy in Valois, Compiègne, Senlis, Meaux, Fisme, Sens, and Dijon. The charter of Laon was brought to Rheims, and extended through the whole of the Laonnais; that of Saint Quentin served as a model for those of Corbie, Roye, and Chauny.

† *Apaiseurs* was the title given to them.

‡ These three cities, subject to the German empire, have, on that account, and others which I shall mention later, a

there is a fact worthy of remark, viz. that all, with scarcely an exception, have received their charter, or, as it is expressed, *la loi,* from Beaumont-en-Argonne, a small city of Champagne, founded towards the end of the twelfth century. In this last province, with the exception of Rheims, an old municipal city, which attempted to add the communal liberty to its traditional immunities, with the exception, too, of Sens and Meaux, which became *communes jurées,* the one by insurrection, the other by concession, the urban organisation displays but little strength, and is limited to the guarantee of purely civil rights. In Normandy, Rouen, and the other great cities, are *communes* constituted after a remarkable type: they have a mayor, twelve *échevins,* twelve councillors, and seventy-five peers, making in all one hundred members for the municipal body. This constitution was thence adopted in the south, on the lands in the possession of the English. In the Ile-de-France we observe the constitutional type of the *communes* of Southern Picardy reappear;* Paris, together with its municipality of time immemorial, presents a character of its own, in which the Roman tradition subsists under forms originating in the middle

great affinity of municipal existence with the cities which I have ranged in the fifth region, that of the east. It would be possible, on account of them, to include Lorraine in this region, by detaching it from that of the north.

* A mayor and twelve peers. See, on the titles of *Maire, Echevins, Pairs,* and *Jurés,* the *Considérations sur l'Histoire de France,* chap. v. and vi.

ages, in which liberty, complete in regard to civil right, has little influence in regard to political right.

## II.

The second region, that of the south, is the field in which the form of municipal constitution which I have designated by the name of consular government was propagated on its arrival from Italy. The provinces which we can range in this division of the country are, Provence, Comtat-Venaissin, Languedoc, Auvergne, Limousin and Marche, Guienne and Périgord, Gascony, Béarn and Basse-Navarre, the county of Foix and Roussillon. I except from this list Lyonnais, Bresse, and Dauphiny, for reasons which I shall mention later. In the region of the south, the title of *Consuls* implies the same offices as the title of *Echevins* in that of the north;* but, generally, the power attached to these offices is more extensive and more independent; it raises itself, in the case of the greater part of the cities, to a kind of divided sovereignty, and in the case of some, even to the plenitude of the republican government. This region, in which the continuance of the municipal system from the times of

* The titles of *Syndics*, *Prud'hommes*, *Jurats*, *Capitouls*, which here and there accompany the title of *Consuls*, are the more ancient of the two. (See the *Considérations sur l'Histoire de France*, chap. v. and vi.)

the Romans manifests itself more clearly than anywhere else, is that which presents the greatest monuments of urban legislation: laws for the administration of justice and police, laws of election to the magisterial offices, and organic laws for constitutional reforms. The ancient statutes, corresponding to the communal charters of the cities of the north, are drawn up with more copiousness, skill, and method. A great number among them are real civil and criminal codes, remains of the law or the Roman jurisprudence preserved, in isolated instances, as common law.*

Provence and Comtat-Venaissin were, in the twelfth and thirteenth centuries, the focus of Italian tradition; it was there that, after the establishment of the consular municipality, the strange institution of the *Podestat*† was implanted in three great cities. Marseilles, Arles, and Avignon, stand alone in this respect, as well as in that of their municipal independence and

* By the terms of the municipal statutes of Montpellier, drawn up at the commencement of the thirteenth century, judgments were required to be delivered according to custom, and when custom was silent, conformably with the written law. "Et aqui ont las costumas defailhiran, segon orde de dreg." (The *Petit Thalamus* of Montpellier, register of the municipal statutes, published by the Archæological Society of Montpellier, 1st part, art. vi., p. 7.)

† The Podestat, (in Italian, Podestà,) who could only be elected among foreigners, was a sort of Dictator, not substituted for, but superimposed, on the municipal government. (See Sismondi, History of the Italian Republics of the Middle Ages, *passim*.)

power. Inferior to them in different degrees, the other cities of the same provinces still have this in common with them, that the consulate there presents itself as a more energetic form given to immemorial liberties, and that this change of constitution there appears as the work of the nobility as well as of the *bourgeoisie*. Almost everywhere the urban magistracy is divided between these two classes, who exercise it conjointly and with a good understanding;* we perceive that there was much less distance between them there than elsewhere. In the cities of Provence, as well as in those of Comtat, the college of consuls, which varied as to number, was attended by two councils, of which the most numerous had the name of General Council.† Besides, when a matter of high importance was being treated of, extraordinary meetings, convoked under the

* We must except two cities, Tarascon and Brignolles. At Tarascon, the division of the consulate between the nobles and the *bourgeois* was the subject of violent disputes, and in 1238 of a struggle with arms. At Brignolles, a solitary instance, the whole municipality was in the hands of the nobles; the consuls could only be chosen from their body. In 1222, they sold the consulate to the Comte de Provence, as a right which was their property. This sale was balanced by a popular revolution; and from that time, the *roturiers*, admitted into the municipal council, sometimes formed the whole body of it.

† At Marseilles, if I am not mistaken, the highest number was twelve for the consuls, forty members for the municipal council, and one hundred and fifty for the great council of the city.

name of *parlement,* and composed of all the heads of families, were held in the churches or in the open air.

It is curious to observe with what rapidity the movement, which spread the reform, or, to speak more accurately, the consular revolution reached the cities in Languedoc which were farthest from Italy. The consulate, established at Arles in 1131,* appears at Béziers in that same year; at Montpellier in 1141; at Nîmes in 1145; at Narbonne in 1148; and at Toulouse in 1188.† As regards equality in the development of municipal institutions, Languedoc ought to be placed before all the other provinces; the small cities were there on a level with the great in this respect, and a number of boroughs and villages bore a comparison with the cities. In its prerogatives the consulate, almost everywhere, answered to the idea of a complete government. This magistracy was surrounded with a senatorial magnificence, the insignia of which often

* This date is that of the legal establishment of the new constitution; it marks the epoch when the consulate, instituted by the citizens of Arles in opposition to the power of the archbishop, was, after a resistance more or less prolonged, recognised and agreed to by the last. In the case of Marseilles and Avignon there is no certain date, but the tradition of both cities refers the institution of consuls to the first years of the twelfth century.

† These dates are those at which the first mention occurs of the title of consuls in the acts which have been preserved down to our times; it is probable that the political establishment was, in the case of all these cities, some years anterior to the acts which prove their existence.

formed a contrast with the condition and daily life of those who were invested with them by universal suffrage.* In Languedoc as well as in Provence the high *bourgeoisie* were scarcely distinguished from the nobility; the *bourgeois*, from time immemorial, and without having experienced the necessity of a dispensation or express permission for the purpose, were able to acquire and possess, with full liberty, the lands of nobles. Toulouse, with its twenty-four consuls, to whom the more ancient name of capitouls was commonly given, was the one which had the greatest importance and splendour of all the municipal cities. At Nîmes there were, at first, two distinct cities, the *cité* and the *quartier des arènes*, and each possessed its several consulate; these two municipalities were united in 1207. It was the same with Narbonne, where there existed the city properly so called, and what was named the borough; but their union was not so readily effected, and even to the middle of the fourteenth century there existed two colleges of consuls. At Montpellier, the consular

* Racine wrote from Uzès to one of his friends in 1661: "What do you wish me to talk about? If I were to tell you that we have the loveliest weather in the world, you would not care much about it; to tell you that they are going this week to make consuls, or *conses*, as they call them, would not interest you much. It is, however, an amusing thing to see that gossip the carder, and that jolly fellow the joiner, with their scarlet robes like a president, issue their decrees and go up first to the offertory: you don't see that in Paris." (*Œuvres Complètes de Racine*, édition Lefèvre, t. ii., p. 304.)

government, established by means of an insurrection against the then *Seigneur*,* at first only lasted two years, the period of the revolt. A counter-revolution brought back the former government with the old title of *Prud'hommes;* that of consuls reappeared after sixty-three years,† but this time in perpetuity, and with a magnificence which seems to prove how popular this title was. There were in the definitive constitution as many as twelve *consuls mayeurs* for the general governments, *consuls de mer*‡ to execute the regulations of the customs, and commercial relations with maritime powers, consuls to judge causes of traders by sea,§ and, lastly, a consul for each of the seven classes, in which the inhabitants of the city were arranged according to their different callings.

Auvergne, Limousin, and Marche, in the southern region, form the boundary to the north of that which I have named the zone of the consular system, a boundary which is continued to the east in another municipal region by Forez, Lyonnais, and Bresse. Still farther to the north the appellation of consuls disappeared; we only meet with those of *Maires, Echevins, Prud'hommes, Jurés, Syndics, Conseillers, Procureurs, Gouverneurs,* or *Elus*. The municipalities of Auvergne

* William, son of William and of Ermessinde, in 1141.

† Under the seigniory of the royal house of Aragon.

‡ Cossols de Mar. See the *Petit Thalamus* of Montpellier, 2d part, p. 114.

§ *Cossols dels mercadiers que van per mar.* (*Ibid.*, 3d part, p. 274.)

present no prominent feature; they possess consuls whose prerogatives are everywhere almost the same, and whose powers are restricted, at Clermont, by the officers of the bishop, at Aurillac, by those of the abbé, and at Riom, by those of the count, or the king. In Marche, a country of petty boroughs rather than of cities, the consulate, established subsequently to the thirteenth century, is a name of scarcely any importance. In Limousin, we find again this system in its southern energy; it appears at Limoges in the twelfth century, and continues there in full freedom till towards the end of the thirteenth. At that period, after a struggle maintained by the *bourgeois* against the claims of the viscount, a struggle remarkable from the part which the confederated association of the cities of the north took in it, the *bourgeoisie*, compelled to yield, makes a treaty of peace which mutilates its constitution and the rights of its magistrates.* Périgord presents in its capital the example of a destiny very different, of a municipal independence which may be called absolute, and the history of which abounds in particulars which are full of interest. We find there, as at Nîmes and Narbonne, the separation into two cities, but with this difference, that the most ancient of the two, the *cité*, preserves, up to the middle of the thirteenth century, a government of immemorial tradition, free under the patronage of the bishops, with aristocratic forms, and with a magis-

* The consuls of Limoges had been originally invested with the administrative, legislative, judicial, and military powers.

tracy undistinguished by any special name;* while the borough† followed the movement of the period, by assuming the consular constitution. We observe, moreover, the spirit of this revolutionary constitution introduce between these two cities, which were already rivals, a political antagonism and struggles carried on in arms which are terminated in 1240 by the ascendancy of the reforming principle, and their union in one common democratic community, under the government of the consulate. Besides, this system itself undergoes a reform; it is rendered more active and concentrated by the addition of a mayor to the twelve consuls, a practice of which the cities of Guienne, under the Anglo-Norman dominion, had learnt the advantages in their relations, which had become more frequent with the communes of the north.‡ Under this constitution of mixed origin, the city of Périgueux possessed, up to

* In the acts in which the body of the inhabitants of the city of Périgueux designate themselves, we find in their designation no other formula than this—Omnes clerici, milites et donzelli et alii laici civitatis.

† It was called Le Puy-Saint-Front, from the name of the church round which it had been built.

‡ The commune of Beauvais, constituted originally under the government of twelve peers, took in the same manner the institution of the mayoralty, borrowing it from the neighbouring communes. In its charter, revised in 1182, it was appointed that thirteen peers should be elected each year, and that one of them should be appointed mayor; the charter said one or two, but, after experience, the appointment of only one prevailed.

the revolution of 1789, a complete municipal sovereignty, liberty in everything, except the homage due to the Crown, such as was rendered by the feudatories for the time being: this is what is expressed by the official formula of the public deliberations—*the citizen seigneurs of Périgueux.*

At Bordeaux, the office of mayor, introduced into the municipal organisation towards the end of the twelfth century, encountered there, not the consular system, but a more ancient form of municipality, in which the principal title of the magistracy was that of *Jurats*, a title which is found in a number of cities from the Gironde to the midst of the chain of the Pyrenées. It appears that this constitution, existing beyond memory at Bordeaux, was there very freely and extensively developed; and it was there that it had strength to resist the spirit of reform which propagated the consulate. In 1244 the corporation was composed of a mayor, whose office was annual, fifty *jurats*, thirty councillors, and three hundred citizens, elected by the people, with the name of *Defenseurs*, to lend assistance to the government. Towards the end of the thirteenth century, the number of *jurats* was reduced to twenty-four, and that of the *defenseurs* to one hundred. At different periods all the cities of the Bordelais modelled their constitutions on that of the capital, and the great part of them were called *alliées* and *filleules* of Bordeaux.* Besides, the

* These cities were Blaye, Libourne, Saint-Emilion, Podensac, Bourg, Castillon, Cadillac, Rions, and Saint-Macaire.

imitation of the same constitutional type, extended itself into western Gascony, towards the south; it is found at Réole, Mont-de-Marsan, Saint-Sever, and Dax. There exists there a whole family of urban constitutions, whose common character is the association of the *mairie* with the *jurade*, and though it occupies a territory of small extent, it deserves to be separately classed. In the rest of Gascony we observe the consulate reappear, not in its highest degree of independence, but with restricted powers and a divided jurisdiction. These cities of eastern Guienne present in their history some peculiarities worthy of remark; Cahors, a municipal city reformed by the consular propagandism, is one of those which struggled with the greatest constancy for the maintenance and development of their new constitution; Agen, a municipal city, not reformed, whose traditional government was a college of twelve *prud'hommes*, saw the collective title of those magistrates, the *conseil*, changed, by a mere alteration of expression, into that of *consuls*;* at Rhodez, where the *cité* and the *bourg* formed, as at Périgueux, two cities and two distinct municipalities, this separation continued entire and absolute up to the middle of the eighteenth century.

Béarn, united to lower Navarre, presents a class of communities governed uniformly by the *fors*, or

* In the customs, drawn up in 1369, we find, *Lo cosseth d'Agen, los Pros-homes del cosseth*; the title of consuls, employed about the same period by the royal chancery, only appears in use in the fifteenth century and afterwards.

municipal statutes, analogous to the *fueros* of Spain. The cities, both great and small, have *jurats* to the number of six or four, and these magistrates administer freely and without division civil and criminal justice.* In the midst of this unity of administrative and judicial organisation the city of Bayonne detaches itself and forms a contrast with all the others. We observe it, at the commencement of the thirteenth century, abandon its indigenous municipal system and look abroad for a foreign constitution, that of the Norman communes, imported and perfectionised in the cities of Poitou and Saintonge. There was a twofold motive—the suzerainty of the kings of England, extending from Normandy to the Pyrenées, and the commerce of a maritime city, which thus brings back to the extremities of the municipal zone of the south the *commune jurée* in its native form, with all its rules and usages. In the terms of the royal charter granted in 1215,† the corporation of Bayonne was composed of a mayor, his lieutenant, twelve *échevins*, twelve councillors, and seventy-five peers. Together with the new municipal officers, the foreign nomenclature which served to designate them was introduced; but, with regard to the collective designation of the citizens, custom preserved under the communal system the same title as before: those who,

* Except the high jurisdiction of the *fors* of Morlaas, which was a kind of supreme court for the whole province. The word *fors* had the double meaning of law and tribunal.

† By John Lackland.

in the cities of the north, were distinguished by the name of *jurées*, were called *voisins* at Bayonne; and this word received the political meaning of the other—that of members of the commune associated by oath.*

The consulate reappears in the cities of the county of Foix; we see it at Pamiers invested with very extensive prerogatives; it is in the mountain close to this city that we find the curious republican federation of the six communities of the Val-d'Andorre. The cities of Roussillon, all governed by a small number of consuls,† present this particular characteristic, that the most prominent feature of their municipal existence is its military organisation. A long time previous to the definitive reform of their political constitution, they exercised the right of war to avenge and satisfy wrongs inflicted on the generality of their inhabitants, or on some of them, or even on an individual member.‡ Elne, the ancient episcopal city, obtained from its bishop, in 1155, a charter which guaranteed this right to it in full, without yielding any part of the jurisdiction, which it reserved absolutely to the bishop. In all the cities of this province, whatever might be in other respects the degree of their independence, the first consul was hereditary commandant of the urban militia,

* The municipal registers of Bayonne contain a number of deeds of admission of *voisins* and *voisines*. The same formalities are observed for men and women.

† Two in general, and never more than five.

‡ It is this that the customs of Perpignan call the privilege *de main armée*—privilegium manus armatæ.

and, in this character, he had the right of life and death over the citizens. At Perpignan, the consular government, established in 1196 by the general will, and after deliberation among the inhabitants,* was independent on all points and completely democratic. The five consuls, elected for a year, at first alone, afterwards with a council of twelve, then of sixty and ninety members, possessed the judicial power in its full extent, and the legislative power, with the necessity, however, of taking the advice of the whole body of the citizens in matters of importance. Although divided into three classes, which were called *mains*,† and whose rivalry frequently induced discords and acts of violence, the citizens were all equal in political rights.

## III.

I now pass on to the third municipal region, to that which I have named the central region: it comprises

* "Notum sit cunctis . . . . quod nos omnes insimul populi totius ville Perpiniani, . . . . . constituimus inter nos quinque consules . . . . . qui bona fide custodiant et defendant ac manuteneant et regant cunctum populum ville Perpiniani, tam parvum quam magnum." (Code of the Customs of Perpignan, quoted in the researches of M. Henry into the ancient constitution of this city, *Mémoire Presenté par divers Savants à l'Académie des Inscriptions et Belles-Lettres*, t. i., 2 série, p. 233.)

† The *main majeure*, the *main moyenne*, and the *main mineure*. These modes of expression belong to a political phraseology in use in Aragon, which, representing the kingdom as a body, made of the king the head, of the states-general the

Orléanais and Gâtinais, Maine, Anjou, Touraine, Berri, Nivernais, Bourbonnais, and Burgundy. This vast portion of the territory is, in a manner, the kernel of the intermediate zone, situated between the two great zones of the communal association to the north, and of the consulate * to the south. The *commune jurée* is not found, except with very rare exceptions, and the title of consuls only appears twice, in the twelfth century, in Burgundy, in a small city which revolted, from which it soon disappeared again; † and in the thirteenth century in Bourbonnais, in a municipality close to Auvergne, and constituted under the influence of that neighbourhood.‡ Here the general rule is no longer in

arms, and of the inhabitants of the cities, distinguished by classes, the hands.

* In the political language of the southern municipalities this word had the two meanings which I give it. It signifies equally the college of the magistrates, called consuls, the constitution which had admitted this title of magistracy, and the community governed by a similar constitution. (See the *Charte du Consulat d'Arles*, published by M. Giraud, *Essai sur l'Histoire du Droit Français au Moyen Age*, l. ii., p. 1 and following.)

† At Vézelay, in the department of the Yonne, about the year 1150. (See the detailed account of this municipal revolution in the *Lettres sur l'Histoire de France*, Letters xxii., xxiii., and xxiv.)

‡ At Gannat, in the department of the Allier. A charter of privileges granted in 1236 to the *bourgeois* of this city, by Archambault VIII., sire de Bourbon, gives them the right of electing annually four from among those who govern the city, and who should be competent to name and appoint consuls and have the consulate instituted.

favour of one or other of the two forms of government created by the municipal revolution of the twelfth century; it is, in the first place, in favour of earlier constitutions, more or less free, more or less democratic, whose origin is lost in the night which separates the great movement of renovation and urban independence from the municipal system of the Roman times. It is, in the second place, in favour of the civil liberties, either absolutely free, or joined to a certain amount of administrative rights, but without political guarantees, without jurisdiction, without an independent magistracy, without that half-sovereignty which was the primitive character, the ideal object, at least, if not always attained, of the consulate and the commune.* When we approach this region of the centre, in which almost all the cities, great or small, old or recent, escaped the action of the reforming propagandism of the twelfth century, we touch the problem of our municipal history, which is the most difficult and the least cleared up at the present time. It is here that we need, more than anywhere else, a scrutinising attention, and a great accuracy of analysis. It is no longer required to describe institutions which originated at a certain time, and were spread over large districts by the power of

* I do not mean to say that the unreformed *municipes*, and the communities invested with purely civil rights, are entirely wanting in the territories which I have considered up to this point. As has been seen, these two categories of municipal existence there meet, the one in the condition of an exceptional fact, the other in the condition of a secondary fact.

example. That which requires to be pointed out and understood are constitutional changes effected in the old municipal towns at an unknown period, the written proof of which has long since entirely disappeared, and which can be ascertained by inference alone.

The municipality of Chartres, in the middle ages, was composed of ten *prud'hommes,* administrators of the common affairs of the city, a number which seems to be a traditional continuation of the part which was filled by the ten of the senate *decemprimi, decaproti,* in the Roman municipal system.* The jurisdiction and police were entirely in the hands of a *prévôt*—first, under the *seigneur,* afterwards under the king. Towards the end of the fifteenth century, the *prud'hommes* were increased to twelve, and took the name of *échevins ;* in the sixteenth century they obtained the right of administration of the police. At Orléans the same number of ten, designated by the same title, denotes an original conformity in the municipal government of the two cities. The second of them attempted, about A.D. 1137, to follow the movement of the period; it constituted itself into a *commune jurée,* without the acknowledgment and even to the detriment of the royal authority, which punished it severely in consequence.† Every vestige

* See Digest, lib. l., tit. v., l. 1, § 1, 3, § 10 and 18, § 26.

† "Celeriter Aurelianensem regressus civitatem, cum ibidem comperisset, occasione communiæ, quorumdam stultorum insaniam contra regiam demoliri majestatem, compescuit audacter, non sine quorumdam læsione." (Hist. Ludovici VII., apud Script. Rer. Gallic. et Francic., t. xii., p. 121.)

of a communal constitution then disappeared, and Orléans resumed its ancient system, entirely free as far as its urban administration was concerned, while justice, both in regard to civil and criminal matters, was committed to a *bailli* and a *prévôt* of the king. As at Chartres, and at the same period, the ten *prud'-hommes,* increased to twelve, changed their name; they were called *procureurs de ville,* and some time afterwards *échevins.* Etampes obtained from Philippe-Auguste the liberty which his predecessor had refused to Orléans, of raising itself to a *commune;* but the small city, better treated in this respect than the great, did not long enjoy this privilege. Its commune was abolished for ever in 1196, at the request of the ecclesiastics and nobles whose serfs it enfranchised. In the other cities of the province we only discover some rude sketches of a municipality without any decisive character, and, for the most part, of no great antiquity.

Lorris in Gâtinais presents the curious example of the greatest amount of civil without any political rights—without any jurisdiction, and even without the prerogatives of administration. The position given to that small city from the first years of the twelfth century, by its charter of customs, anticipated, in some sort, the greater part of the essential conditions of modern society. Largely endowed with immunities for person and property, it did not form a corporation, and had not, in any degree, a police belonging to it. Notwithstanding, its charter was the object of ambition to

a multitude of cities which solicited and obtained it, either of the kings or the *seigneurs*. The popularity of this charter increased and spread during the centuries in which the municipalities with political privileges gradually declined. As its nature was exclusively civil, adapting it to pass from the state of urban law to that of territorial custom, it took that part in the jurisprudence, and ended by regulating not only the condition of the *bourgeois*, in such or such a place, but the law of the commonalty of a whole province.*

The city of Mans is one of three which, prior to the twelfth century, gave the first example of the communal insurrection, and it preceded the two others; its commune, confederated in 1072 against the power of the count, and in agreement with the bishop, did not last longer than a year.† After having made head

* Charles VIII. had the customs of Lorris published in 1493. In the sixteenth century they were termed *the customs more ancient, famous, and celebrated than any others in France.* Louis XIII. reformed them in 1631; they were then common to almost 300 cities, boroughs, or villages of Gâtinais, Orléanais, Pays-Chartrain, Blaisois, Berri, Touraine, Nivernais, Champagne, and Burgundy. (See the *Coutumier General* of Richebourg, 1724, t. iii., 2e partie, p. 829 and following.)

† "Facta igitur conspiratione quam communionem vocabant, sese omnes pariter sacramentis astringunt." . . . (*Gesta Pontif. Cenoman.*, apud Script. Rer. Gallic. et Francic., t. xi., p. 540.)—The commune of Cambrai dates from 1076, and that of Beauvais from 1099. (See the *Lettres sur l'Histoire de France*, Letters xiv. and xv.)

against the local *seigneur*, it sank without a struggle under the power of William the Conqueror, who came from England with considerable forces to enforce his claims upon the county of Maine. After that we find in Mans nothing but the government of spurious municipalities, deprived of all peculiar jurisdiction, till the day when the city obtained a charter from Louis XI., which raised it into a community, under a mayor, six peers, and six councillors, having the right of a police, and very extensive rights of administration of justice. In this province, in which almost all the municipalities were incomplete, that of Ferté-Bernard can be quoted as a type of the urban organisation reduced to its most simple form,—an elective syndic charged with the receipt and outlay of the public funds. Anjou is still more feeble than Maine, as to the development and the liberty of its municipal institutions. Towards the end of the twelfth century Angers appears to have an organised militia; but its whole government is limited to a city council, dependent on the officers of the count, deprived of jurisdiction, and without a claim to any special office for any of its members. This immemorial municipality continued, or rather dragged on, its existence, which became weaker and weaker, to the time when Anjou was definitively united to the Crown; then, by a grant of Louis XI., it gave place to a more complex constitution, more elaborate in regard to its form, and, in regard to its foundation, perfectly free. It possessed a mayor, a sub-mayor, eighteen *échevins*,

and thirty-six councillors, together with all the rights, famous for their extent, which the commune of Rochelle possessed.* Louis XI. granted to the *bourgeois* of Angers these considerable privileges thirteen years after having made the same concession to the *bourgeois* of Tours.

Tours, in the twelfth century, and still earlier, formed two distinct cities—the *cité* and the *bourg* of Saint-Martin, which was called Châteauneuf. There was in the case of the *cité* an immemorial constitution, in which all the powers, with certain restrictions difficult to determine, belonged to four *prud'hommes*, elected annually by the entire body of the citizens. Châteauneuf revolted about A.D. 1125 against the *seigneurie* of the chapter of Saint-Martin, adopted a communal organisation, which some forced capitulations and the royal mediation reduced, after a long struggle, to the government of ten *prud'hommes*, without judicial competency.† In the thirteenth century the two cities were united, and the constitution with the greatest freedom, that of the *cité*, then became their common government; only the four *prud'hommes*, the administrators and judges, were increased by two, who were henceforward chosen by the inhabitants of the

* See the letters patent, in form of a charter, granted in February 1474. (*Rec. des Ordonn. des Rois de France*, t. xviii., p. 87.) In the sixteenth century the municipality of Angers was reduced to a mayor and twenty-four *échevins*.

† See the letters granted by Philippe-Auguste in 1181. (*Rec. des Ordonn. des Rois de France*, t. xi., p. 221.)

*bourg*.* It is this constitution, of a simplicity, so to speak, elementary, which in 1461 replaced the municipal government of Rochelle; a mayor, twenty-four *échevins*, and seventy-five peers, having full jurisdiction, both civil and criminal.† In the case of the other cities of Touraine, the most general and earliest form of municipality is the financial administration, with or without the rights of a police, discharged by two persons elected for the purpose.

Bourges is the one of the episcopal cities in which appear in the most striking manner the signs of a democratic revolution prior to the great movement from which issued the consulate and the commune,—a revolution of which no historical evidence exists, and which, reviving, perhaps, the remains of the Roman

* At each meeting of the municipal council there sat, together with the six elected members, a representative of the archbishop, delegates of the Chapter of Tours and the Abbey of Saint-Martin, the judge of Touraine, and many *bourgeois notables*.

† . . . "We give and grant, by these presents, to the said mayor and *échevins*, who shall be thus elected for the government of our said city of Tours, similar power, justice, prerogatives, and pre-eminences, in our said city of Tours and elsewhere, to those which are possessed by the inhabitants of Rochelle, in that city and elsewhere." (Letters patent, in the form of a charter, granted by Louis XI., February 1461; *Rec. des Ordonn. des Rois de France*, t. xv., p. 332.) The charter of Louis XI. mentions expressly only a mayor and twenty-four *échevins*, which, under Henri III., served as a pretext for reducing the municipal corporation of Tours to that number.

senate, had ejected at the same blow the power of the bishop and the count from the municipal government. From remote antiquity up to the twelfth century the city had been governed by four *prud'hommes*, annually elected, having the right of dispensing justice in all causes,* and administering all matters of common interest, on their own responsibility, up to a certain amount, and, above that, with the obligatory co-operation of the general meeting of the inhabitants. This constitution, rendered frequently subject to stormy struggles by its very nature, was destroyed by Louis XI. after an *émeute*, in which the royal officers, constrained to treat with the general meeting for the assessment of a tax, had been maltreated and threatened with death by the people. Whatever resentment the king—who was little inclined to pardon—might have felt at this circumstance, his spirit of liberalism, in regard to the *bourgeoisie*, which formed one of the most remarkable traits of his character, did not desert him. He granted the same privilege to the citizens of Bourges as to those of Tours and Angers—a government modelled after the commune of Rochelle;† and he formed the new cor-

* "Postquam per probos homines ipsius civitatis, ad quos omnia judicia villæ ejusdem et septenæ ab antiquo dignoscantur pertinere facienda, judicatum fuerit." (Charter of Philippe-Auguste, granted in 1811; *Rec. des Ordonn. des Rois de France*, t. xi., p. 223.) See the *Olim* published by the Count Beugnot, year 1262, t. i., p. 544.

† And since our said city of Bourges has not been governed in time past by a mayor and *échevins*, and it is our desire

poration of a mayor, twelve *échevins*, and thirty-two councillors—the latter nominated by all the citizens, and themselves nominating the other magistrates. There were, perhaps, as many effective guarantees in this as in the old constitution of Bourges; but the latter was so deeply rooted in the recollections and affections of the people, it was so pressingly demanded again at the death of Louis XI., that his successor re-established it. By an ordinance—the terms of which are curious, from the earnestness which they disclose—Charles VIII. restored the government of the *Four*, with the same conditions as had existed from time immemorial; only as these magistrates had no fixed title, since the name of *prud'hommes* had fallen into desuetude,* it was appointed that they should hereafter be called *échevins*.† Some years after the office of mayor was perceived to be a useful innovation, and a mayor, appointed annually,

that it should henceforward be exactly in the same form and manner as our said cities of Rochelle and Tours have been, and still are. . . . (Letters patent, granted in the month of June, 1474; *Rec. des Ordonn. des Rois de France*, t. xviii., p. 23, art. 5.)

* Their title was by turns that of the *four elect*, *the four of the city*, *the four commis and elect*, *the four governors and syndics*.

† These petitioners have humbly petitioned and requested that we may be pleased to reinstate them in the same position as they were formerly, without, however, making any so frequent meeting of the people. . . . We grant to the said petitioners and their successors for ever, power, faculty, ability, and authority, to elect hereafter to the government of

was added as president to the four members of the *échevinage*.*

The constitution of Bourges has been the type of municipal liberty not only for the cities of Berri, but also for cities situated beyond that province. In the same manner as the municipalities reformed after the model of the consulate and the commune, it was a centre of propagandism, an object of emulation and imitation to those around it, an imitation which was naturally limited to the measure of their ability, and which was only found almost completely carried out in the city of Nevers. In 1231, this city, in a treaty made with its *seigneur*, and perhaps forced upon him, stipulated that four *bourgeois*, elected by the whole community, and called in the subsequent charters sometimes *jurés*,† sometimes *échevins*, should be invested with the rights of jurisdiction, administration, and police, in all degrees. These four powers, as if supreme, chose, as

the common affairs of the said city . . . . every year four notables . . . . who shall be called *échevins*. (Letters patent, of the 14th February, 1483; *Rec. des Ordonn. des Rois de France*, t. xix., p. 628.)

* This definitive change took place in 1491.

† The word *jurés*, in the sense of sworn functionaries, as well as its southern form, *jurats*, is an expression which is connected with the remains of the Roman municipal government. *Jurés*, in the sense of *bourgeois* confederated by oath, is a more recent expression, which appears in the charters when the Germanic association, or the *Ghilde*, is applied to the renovation of the municipal government. (See the *Considérations sur l'Histoire de France*, chap. v.)

at Bourges, as many notables as they wished, to assist them in their judgments and deliberations. By a singular coincidence with the history of this last city, some serious disorders occurring at Nevers in the reign of Louis XII. caused the suppression of the direct election in general meeting, and the appointment of thirty-two councillors, chosen to the number of eight by each of the quarters of the city, and charged with the election of the four *échevins*. This constitution, which it is necessary to distinguish here from the communal government, although it contains all the same political guarantees, appears at Moulins attended by immunities purely civil, and by an administrative competency to which the jurisdiction of police was not added till very late.* The number of four for the municipal officers, whatever might be their power, generally forms the rule in the cities both great and small of Berri, Nivernais, and Bourbonnais,† and it there tallies with the division into four quarters, which ascends very far back, and seems to belong to the *castrum* of the Roman times.‡

In Burgundy the forms of the municipal government

* In 1518 by a charter of Anne of France, duchess of Bourbonnais, who, on the petition of the inhabitants, gave them permission to adopt a mayor.

† At Vierzon and at Issoudun, the *Four* have the title of *gouverneurs;* at Châtre they are named *prud'hommes;* in the other places they only bear the vague title of *élus.*

‡ It is thence that the word *quartier* is derived, to designate, without respect to number, all the divisions of a city.

present a greater variety; there are some remarkable examples of an earnestness to appropriate the constitution of cities situated at a distance from the province, and of an assiduous industry to develope the primitive foundation of the indigenous municipalities. By a revolution brought about, as it appears, in the twelfth century, by agreement between the Duke of Burgundy and the inhabitants of Autun, the seigneurial office of the *Viguier*, or the *Vierg*, as it was called in that city,* was rendered municipal and elective. The *Vierg* of Autun, nominated annually from that time by the whole body of the citizens, and appointed first magistrate of the city, preserved all his rights as representative of the ducal power—the high, mean, and inferior jurisdiction, and the supreme command of the urban militia. Every year a very popular fête, which, from its immemorial antiquity, was associated by the Autunois with traditions derived from the *Eduen* republic,† the *Vierg* on horseback, clothed with a robe of violet-coloured satin, with his sword at his side, and a sort of sceptre in his hand,

* The words *vigerius* and *viarius* (for *vicarius*) occur in the Latin charters of Autun, and the words *viers*, *vyer*, and *vierg*, in the French charters.

† On the Fête of the First of September, and the opinion which, supported by the resemblance of certain letters, traced up the name and office of *Vierg* to the *Vergobret*, the supreme magistrate of the *Eduens*, see the History of the City of Autun, by Joseph Rosny, p. 148 and following, and the Latin Commentary of the President Chasseneuz, on the Customs of the Duchy of Burgundy, 1574, in fol. p. 26.

preceded by the standard of the city and followed by the *bourgeois* in arms, went from his house to one of the Roman gates of Autun, administering justice on the way; on his return he held a review of the militia, and presided in the great square at a mock fight.* The military authority of the *Vierg* of Autun lasted longer than any other of his ancient prerogatives; he was fully invested with it in the sixteenth and seventeenth centuries, while his civil and criminal jurisdiction was first disputed and then taken away by the royal officers.

About the year 1183, the inhabitants of Dijon, struck with the reports which they heard of the cities enfranchised by the communal revolution, sought a model of a *commune jurée* which appeared in all respects to suit their wants, in Picardy, the focus of this revolution. It is not known from what motive they chose the commune of Soissons, nor whether the applications which they addressed to the Duke of Burgundy, in order to obtain his consent to this change of government, were made in a rebellious or pacific spirit; at all events, the Duke Hugo II. granted them, under the guarantee of the King of France, his authority to organise themselves into a commune according to the form of that of Soissons.† It is a curious fact, that

* See an extract of the letters patent granted by Louis XIV. to the city of Autun, in 1644, *Histoire d'Autun*, by J. Rosny, p. 155.

† "Noverint universi præsentes pariterque futuri, quod ego Hugo, dux Burgundiæ, dedi et concessi hominibus de Divione,

they requested of the city of Soissons itself a memorandum of its rights and constitutional usages, which was forwarded to them in the form of a charter, under the seal of the commune, which they took as their model.* This constitution, which had but a short period of success in the city where it originated,† had a very different fortune at Dijon: there it had full development, and, far from losing any of its guarantees in the crisis through which it passed, it increased in liberty and power. At first, the municipality of Dijon, strictly formed on the model of Soissons, was composed of a *maire*, or *mayeur*, and of *jurés*, whose probable number was twelve; afterwards the *jurés* took the name of *échevins*, and their number was increased to twenty. Besides the *échevinage*, there were city councillors, who were joined to them to the number of twenty, then of thirty, and four *prud'hommes*, who appear in the case of Dijon to be a remnant of the govern-

communiam habendam in perpetuum, ad formam communiæ Suessionis, salva libertate quam prius habebant." (Charter of Hugo III., granted in 1187, *Rec. de Pièces Curieuses pour l'Histoire de Bourgogne*, by Pérard, p. 337.)—See two charters of Philippe-Auguste, granted the one in 1183, the other in 1187: *Rec. des Ordonn. des Rois de France*, t. v., pp. 237 and 238.

* "Noverint universi præsentes et futuri, quod hæc instituta et has habet consuetudines communia Suessionis . . . . Ut autem hoc ratum et constans habeatur, communia Suessionis hanc cartam appositione sui sigilli certificavit. (Collection of Pérard, p. 336.)

† See in the *Lettres sur l'Histoire de France*, letter xix., the History of the Commune of Soissons.

ment prior to the communal constitution. The *maire* conducted, with full authority, the civil and military government: he had the high jurisdiction, the high police, the exclusive command of the urban militia, and the custody of the keys of the city. From the fourteenth century, he took the title of *Vicomte-Mayeur*, on account of the Vicomté of Dijon, in right of seigniory over certain streets of the city, which the Duke of Burgundy had acquired and afterwards ceded to the commune;* in the seventeenth century he still wore, in the public ceremonies, a part of the costume which may be seen on the seals of the middle ages which represent him.

The city of Beaune obtained, in 1203, authority to constitute itself into a commune, according to the form of Dijon; the entire administration of justice, high, mean, and inferior, was guaranteed to it by its charter, with the exception of capital punishments, and the enjoyment of certain fines.† In 1231 the same constitution and the same liberties were granted

* "Item, cum discordia verteretur inter nos, ex una parte, et homines dictæ communiæ, ex altera, super hoc quod petebant a nobis viccecomitatum Divionensem quem acquisieramus, quod non poteramus facere, ut dicebant." . . . . (Charter granted by Duke Robert, 1284, Coll. of Pérard, p. 348.)

† "Noverint universi præsentes et futuri, quod ego Odo, dux Burgundiæ, dedi et concessi hominibus de Belna communiam habendam in perpetuum, ad formam communiæ Divionis." . . . (Coll. of Pérard, p. 274.)—See the suit of the city, adjudged in 1459, ibid., p. 281 and following.

without reserve to the inhabitants of Montbar, and in 1276 to those of Semur-en-Auxois, with two exceptions, that the Duke of Burgundy should nominate the mayor of the city, and that all the fines should belong to him.*

Auxerre had had fifteen years before Dijon the desire and opportunity of raising itself into a *commune jurée;* the count favoured this undertaking, probably from jealousy of the bishop—his *co-seigneur,* who was opposed to it, and who successfully pleaded his cause at the court of Louis le Jeune.†

This opportunity, once lost, was never recovered by the city, henceforth limited, in matter of municipal liberty, to its traditional system, a government of twelve elected magistrates, who had not even a common hall, and assembled for their deliberations in the open places or in the churches. These twelve city councillors, deprived of all jurisdiction, named from among themselves three *gouverneurs* for the despatch of affairs. The city of Châlon-sur-Saône succeeded in raising the power of its four *prud'hommes,* existing from time immemorial, to the right of administering justice in every depart-

* The charters of these two cities have the words: *Communiam et libertatem habendam in perpetuum, ad formam communiæ et libertatis Divionensis.* (See the Collection of Pérard, pp. 419, 422, and 529.)

† "Idem comes, de assensu regio, communiam Autissiodori de novo instituere voluit: cui item præsumptioni præsul insignis se confidenter opponens, super hoc in regia curia causam ventilandam suscepit." . . (*Script. Rer. Gallic. et Francie.,* t. xii., p. 304.)

ment, sharing it with the *châtelain* of the Duke of Burgundy. The municipality of Mâcon presents no clearly defined form before the middle of the fourteenth century, and, since that time, the authority of its six *prud'hommes,* without jurisdiction, continued always dependent on the ducal or royal *bailli.** At Tonnerre, there existed in the same way six elected magistrates, without judicial power, who were named *échevins,* and to whom there was added, towards the end of the sixteenth century, a mayor, having the jurisdiction of police. Châtillon-sur-Seine presents a new example of those cities which were divided into two parts, municipally distinct; the two communities which were called Chaumont and the Bourg had the same form of government—four magistrates,† whose powers, on one side or the other, were unequal. Those of Chaumont possessed a certain jurisdiction, those of the Bourg had no right of administering justice; the two municipalities were merged in one in the seventeenth century. It is necessary to remark the frequency of this govern-

* Letters of Philippe de Valois, February 1346, which authorise the inhabitants of Mâcon to assemble to treat of their affairs, and to choose among them six *prud'hommes,* or counsellors, *procureurs* and *syndics,* import that they had neither corporation nor commune (*ne corps ne commune*), and terminate thus:—"It is by no means our intention that through this they have, or ought to have, corporation, or commune, or ordinary jurisdiction." (*Rec. des Ordonn. de Rois de France,* t. iii., p. 594.)

† They were named *échevins* in the Bourg, and at Chaumont *prud'hommes,* or *maires.*

ment of four persons, which, in the cities of central France, was anciently held in high esteem, applying itself to all the degrees of municipal independence, from the entirely free government which prevailed at Bourges and Nevers to the system of a simple urban police, or to the mere management of the common interests in pecuniary matters.*

## IV.

The fourth region, the western, comprises Britanny, Poitou, Angoumois, Aunis, and Saintonge; it is distinguished from the central and southern regions by two peculiarities. The first is the original and uniform type of the municipalities of Britanny; the second is the establishment of the communal constitution of Rouen and Falaise, in four of the provinces annexed to the Anglo-Norman dominion in the twelfth century. Had it not been for this adoption of the *commune jurée* according to the type given by the great cities of Normandy,—an event favoured, without doubt, by the policy of the Kings of England,—Poitou, and the provinces

* This number is not a peculiarity limited to the central region; we find it here and there in the cities and boroughs of the south, and it appears to be a tradition of the Roman municipality. The *curiæ* had two or four magistrates chosen annually, *duumviri*, *quatuorviri juridicundo*. The tradition of the number two has likewise left some traces, but the examples of it are very rare.

bordering on it to the south, would have followed the southern reform, and renewed their municipal government by the institution of the consulate.

The traditions of Roman law and municipal government, preserved in all the provinces of Gaul, did not exist in Armorica; this country received a new spirit and new social forms from the emigration from beyond the sea, which gave it the name of Britanny. Two of its cities, Nantes and Rennes, are the only ones which were able to retain anything of the Gallo-Roman municipality. In the case of the others, and especially in the case of the simple boroughs, the traditional municipality was at once a civil and ecclesiastical government, in which the parochial church was the centre of administration, and in which the *conseil de fabrique* filled the place of the common council. Besides, in Britanny, no jurisdiction was joined to the urban administration; in the cities, the right of justice, in all its branches, belonged to the duke or the bishop; and, in the villages, to the *seigneur* of the locality.* In the history of this province there was no struggle of the *bourgeoisie* to obtain political rights—no trace of the communal revolution; the name of commune does not appear there in public or private acts till after its union with the Crown. From that time the forms and titles

* Guincamp is the only city which could form an exception, and this had a municipal administration of justice granted to its *bourgeois* by the Dukes of Britanny, probably in the fifteenth century.

of the French municipal offices are seen to penetrate different parts of Britanny, and to replace or modify the ordinary type of the native municipality; six civic councillors, a syndic, a *miseur*,* and a controller of the common funds.† In 1560 the city of Nantes, abandoning this old system, petitioned for and obtained from Francis II. the municipal constitution of Angers, with all its privileges, but with a less numerous magistracy—merely a mayor and ten *échevins*.‡ A reform analogous to this, but not so directly imitated, had already taken place at Rennes. By grant of Henri II., the city was constituted into a regular corporation, under the government of thirteen magistrates, who

* The officer charged with the receipt and disbursement of the taxes. The word *mise* properly signifies expenditure.

† These municipal offices were indiscriminately filled by the clergy, the nobility, and the *bourgeoisie*. In many cities, at Morlaix, especially, the offices of *miseur* and controller were exercised by noblemen of ancient family.

‡ "The *bourgeois*, sojourners and inhabitants of our town and city of Nantes, having informed us . . . . . that . . . . . they have not a civic corporation, nor any heads to take the superintendence and administration of affairs, . . . . . we would readily provide, according to our pleasure, to grant them a corporation, college, and civic body, composed of a mayor and ten *échevins*, to conduct, manage, and govern the police and general affairs of the said city, with the same powers, privileges, immunities, and liberties, as the mayor and *échevins* of Angers."—(Letters patent of Francis II., Archives of the Hôtel de Ville at Nantes. Livre doré, 2ᵉ part, p. 3.) In the same register, at the end of this charter, is found that of the city of Angers, granted by Louis XI. in 1474.

subsequently were reduced to seven—six *échevins* and a *procureur-syndic*.* Quimper, in the seventeenth century, obtained an *échevinage*, like Nantes and Rennes, and yet remained, as before, under the temporal jurisdiction of its bishop.† At Saint-Malo this jurisdiction remained full and entire up to the last century; and, according to all appearance, it was the same with Vannes and Saint-Brieux.

When we pass from Britanny to Poitou, the aspect of the municipal government entirely changes; and we find the *commune jurée* under not only the freest, but, to use the expression, the most elaborate form. It was from Normandy that the cities of Poitiers and Niort, subject to the Anglo-Norman Crown, took the pattern of their communal constitution, in the twelfth century. They imitated, as I have said, Rouen and Falaise, and they had this government, which was

* 1548, 26th March; Letters of Henri II., forming the community of the city of Rennes into a regular corporation.—1548, March 30; Extract of the roll signed by the King at Chantilly, by which he permits the inhabitants of Rennes to elect thirteen to provide for the government of the city.—1592; Letters of Henri IV., forming the community of the city of Rennes into a regular corporation. (*Archives of the Hôtel de Ville at Rennes.*)

† "The King, having respect to the said request, has permitted, and does permit, to the said inhabitants, to nominate and elect, for the management and government of the said city (Quimper-Corentin), four *échevins*, like those of Nantes and Rennes." (*Decree of the Council of the* 31*st August*, 1634. *National Archives, Administrative Section, E*, 119.)

adcpted by them in the reigns of the sons of Henri II., conceded and assured to them by Philippe-Auguste, after his judicial conquest of Normandy, Anjou, Poitou, and Saintonge. Such is the meaning of the two charters given by this king in 1204,* to which was added a copy of the constitutional rules of the communes of Rouen and Falaise.† The communes of Poitiers and Niort followed these rules to the letter in the organisation of their political corporation; they had a municipal college of one hundred members,

* "Noverint universi . . . . . quod nos concedimus burgensibus nostris de Niorto . . . . . ut communiam suam habeant ad puncta et consuetudines communiæ Rotomagensis" . . . . . (*Rec. des Ordonn. des Rois de France*, t. xi., p. 287.) The charter given to the inhabitants of Poitiers simply confirms the grant of a *commune jurée*, which was made by Queen Eleanor, without specifying the form of this commune: "Concessit universis hominibus de Pictaviâ et eorum hæredibus in perpetuum communiam juratam apud Pictaviam." (*Ibid.*, p. 290.) That Philippe-Auguste, in designating in an express form the communal constitution of the *bourgeois*, did not grant them anything new, is proved by the fact that, in the letters of confirmation of the privileges of the city, given after him, his name is not found joined to those of the princes of England. (See *Ibid.*, p. 327.)

† This document, addressed to the inhabitants of Poitiers on their petition, still exists in the archives of the city. We there find it printed twice in the *Recueil des Ordonnances des Rois de France*, in t. i., p. 306, note *b*, and in t. v., p. 671. Its compilation proves that it was the work of the municipal magistrates of the two cities: "*Si quis juratorum nostrorum communiæ sit in misericordiâ positus . . . . . si quis dixerit se esse nostrum juratum, et nos exinde minimè certi sumus.*"

—viz. a mayor, two *échevins*, twelve councillors, and seventy-five peers;* but, whether at once or gradually, they exceeded without finding opposition the degree of rights and power accorded to the Roman municipalities. While at Rouen and Falaise the mayor was nominated by the King on a list of three candidates, and the urban jurisdiction was limited by restrictions,† at Poitiers and Niort the jurisdiction was absolute, and the mayor elected of their own direct authority. There were in these cities two sorts of municipal assemblies—one convoked every week, and consisting of the mayor, the twelve *échevins*, and the twelve councillors; the other every month, in which the seventy-five peers sat in addition, and which bore the name of the Monthly Meeting and that of the Hundred‡ (*Assemblée des Mois et des Cent*). The

* The name of peers was given in general to the hundred members of the college, and, in particular, to those who had not been raised by election to the various magistracies—viz. the offices of mayor, *échevins*, and counsellors.

† "Si oporteat majorem in Rothomagensi sive in Falesia fieri, illi centum qui pares constituti sunt eligent tres proborum hominum civitatis, quos domino regi presentabunt, ut de quo illi placuerit majorem faciat." (*Rec. des Ordonn. des Rois de France*, t. i., p. 306, note *b*.)—"Volumus et concedimus quod dicti major et illi de communia et eorum successores habeant, teneant et exerceant omnimodam juridictionem ad nos pertinentem . . . . . . retenta nobis justitia mortis, mehagnii et vadiorum belli quum secuta fuerint." (Letters of Philip III., confirming the administration of justice to the mayor and *bourgeois* of Rouen. Ibid.)

‡ The constitutional statute of Rouen and Falaise conveys that there shall be two meetings a week held by the mayor

mayor, chosen annually by and from among the one hundred members of the college, was captain-general of the city, and judge, together with the *échevins*, in all civil and criminal causes. The college, a kind of *bourgeois* patriciate, appointed all the magistrates, and recruited itself by election. At Niort, the whole of these privileges, corresponding to the greatest amount of municipal independence, had, as at Périgueux, assumed the seigneurial form, under the immediate vassalage of the Crown. According to ancient acts, the officers of the commune of Niort held of the King, "in right of barony, in faith and liege homage, on acknowledgment of a glove, or five sous of Tours, in place of all fees, payable at each change of *seigneur*," the *mairie* and *capitainerie* of the city, and the superior, mean, and inferior jurisdiction, both in matters civil and criminal.* The other cities of Poitou, Châtellerault, Loudun, and Montmorillon, were far from enjoying similar immunities, and their municipalities, of a date comparatively recent, do not deserve mention.

In Saintonge and Aunis we see the constitution of

and the twelve *échevins*; that at the second, held on Saturday, the twelve counsellors shall be present; and that every fortnight, on the Saturday, the meeting of the hundred peers shall be held. (See *Recueil des Ordonn. des Rois de France*, t. i., p. 306, note *b*.)

* Acknowledgment rendered to the King, 13th July, 1579. Archives of the city of Poitiers. A similar act of fidelity and homage was performed by the corporation of the city of Niort, July 2, 1611.

the Norman cities reappear with the same privileges as at Niort and at Poitiers, except the unrestricted jurisdiction, and the independent election of the mayor by the municipal college.* The charter granted by Philippe-Auguste to the *bourgeois* of Saint-Jean-d'Angely, as a *perpetual guarantee* of their commune, imports that that commune shall be governed according to the form of that of Rouen,† and, at their request, an authentic copy of the constitutional statute of Rouen and Falaise was despatched to them by the royal chancery. No trace of a similar demand exists in the case of Rochelle, and the act which guarantees to it its commune under the French Crown does not mention that of Rouen,‡ an omission which is also observable in the charter of Poitiers, but which has no more importance in one case than in the other. The com-

* The judgment of crimes of high treason belonged to the officers of the crown, and the mayor was named by the *Sénéchal* of the province from a list of three candidates elected.

† "Noverint universi.... quod nos concedimus in perpetuum dilectis et fidelibus nostris universis juratis communiæ sancti Johannis Angeliacensis et eorum hæredibus perpetuam stabilitatem et inviolatam firmitatem communiæ suæ juratæ apud sanctum Johannem Angeliacensem. Præcipimus autem ad ultimum ut communiam suam teneant secundum formam et modum communiæ Rotomagensis." (*Rec. des Ordonn. des Rois de France*, t. v., p. 674.)—"Noveritis quod nos, ad petitionem vestram, mittimus rescriptum communiæ Rotomagensis in hunc modum." (*Ibid.*)

‡ See the letters granted by Louis VIII. in 1224, *Recueil des Ordonn. des Rois de France*, t. xi., p. 318.

munal system of Normandy was, in the case of these two cities, a part of their customs, which every charter of confirmation granted in general terms was understood to comprise. Rochelle rendered itself celebrated among all the communes governed by the same constitution, and became the type of municipal liberty for the cities of the centre of France. Under the government of its college of one hundred members, mayor, *échevins,* councillors, and peers, having full jurisdiction, this commercial and warlike city raised itself to the highest point of power and prosperity. It is well known to what boldness of designs it was hurried on during the sixteenth and seventeenth centuries by a constitution, almost republican, devoted to the service of the Protestant cause, and how it required a long siege, conducted by Richelieu, to reduce it. Harshly punished for its revolt, Rochelle lost in 1628 its constitution and municipal privileges: Saint-Jean-d'Angely, where the same constitution existed with less brilliancy, lost its privileges also, for the same cause. At Saintes we find the communal government of Poitou and Normandy modified by an organisation prior to the establishment of the commune. In the place of a mayor, there are two *jurés,* invested conjointly with the principal authority; the city corporation has only twenty-five members, of which a part has the title of *échevins,* and the other that of peers. In the thirteenth century a kind of struggle commences, with various results, between the principle of the unity of executive power and the

ancient municipal usages: the office of mayor is instituted in the place of the twofold magistracy of the *jurés*; but the latter soon reappears, brought back by the force of habit. It was not till the end of the fifteenth century that the institution of the *mairie*, demanded of Charles VIII. by the city of Saintes, was definitively established.*

The capital of Angoumois was one of the cities which, with Reims, Bourges, Toulouse, and Marseilles, boasted of being in possession of a right of administration of justice prior to the establishment of the monarchy. In the thirteenth century its old constitution received an increase of liberty and reforms inspired by the municipal law of Rochelle; and in the last half of the fourteenth century it was entirely renewed, by the adoption of the communal government as it then existed at Saint-Jean-d'Angely.† Angoulême preserved, up to the last cen-

* "And for this purpose the said petitioners have humbly petitioned and requested us, and had us petitioned and requested, that we may be pleased to change and alter the said two *jurés* to the condition and office of mayor, and that every year they may be able to elect him on such day as shall seem good to them." (Letters granted by Charles VIII., May 1492. *Recueil des Ordonn. des Rois de France*, t. xx., p. 330.)

† See, in the t. v. of the *Ordonn. des Rois de France*, pp. 581 and 670, the letters granted by Charles V. to the *bourgeois* of Angoulême, in January 1372 and March 1373. The second of these documents contains, together with the royal ordinance, some charters despatched from the city of Saint-Jean-d'Angely, among which is found the communal statute of Rouen and Falaise.

tury, all the constitutional forms of that government, and the supreme jurisdiction in all cases, except in that of high treason. Cognac, the second city of the same province, had only the mean and inferior jurisdiction, and it only appropriated two things—the *mairie* and the *échevinage*—from the system of institutions, artistically complicated, which flourished in the great municipalities of the surrounding country.

V.

I now come to the last of the five regions of ancient municipal France, the one, namely, in which I range Alsace, Franche-Comté, Lyonnais, Bresse, and Dauphiny. Besides their geographical position, these provinces have this in common, that they once belonged to the empire of Germany,* a circumstance which has, in appearance, little to do with the question of the municipal system, but which has in reality exercised an influence in various ways upon the conditions of that system.† At variance with the policy of the kings of

* The four last were annexed to the empire in 1032, by the grant which Rodolphe III., king of Burgundy, made of his states to the Emperor Conrad le Salique.

† We might, as I have said above, here comprise Lorraine, by detaching it from the region of the north, where its three episcopal cities, Metz, Toul, and Verdun, form, by the character of their institutions and history, a kind of anomalous intrusion. (See above, p. 6, note 3.)

France and counts of Flanders, the emperors were systematically hostile to the municipalities created by the revolutionary means of insurrection and mutual assurance, under the pledge of an oath.* In their northern territories they had withstood and forbidden the *commune jurée*, and, in their southern territories, every popular combination tending either to the erection or the normal development of the consulate. In the provinces, moreover, which were at a distance from the centre of the empire, and strangers to German nationality, they had, by all possible means, strengthened the power of the ecclesiastical *seigneurs*, and weakened that of the lay *seigneurs*, of whom they entertained greater distrust. They had, in consequence, protected the municipal autocracy of the bishops against all revolution, even though consented to by the sove-

* See the *Considérations sur l'Histoire de France*, chap. vi. —"Conventiculas quoque omnes et conjurationes in civitatibus et extra, etiam occasione parentele et inter civitatem et civitatem et inter personam et personam, seu inter civitatem et personam, omnibus modis fieri prohibemus." (Constitutio pacis Frederici I., apud Pertz, Monumenta Germaniæ historica, Leg., t. ii., p. 112.)—"Quod nulla civitas, nullum oppidum, communiones, constitutiones, colligationes, confederationes vel conjurationes aliquas, quocumque nomine censeantur, facere possent ; et quod nos, sine domini sui assensu, civitatibus seu oppidis in regno nostro constitutis auctoritatem faciendi communiones, constitutiones, colligationes vel conjurationes aliquas, quæcumque nomina imponantur eisdem, non poteramus nec debebamus impertiri." (Henrici regis sententia contra communiones civitatum, ibid., Leg., t. ii., p. 279.)

reign counts of the country.* It is to the continually increasing weakness of the ties of vassalage which attached it to the empire, that Provence owed the establishment of its great municipalities, and the conception, free and complete in this case, of the consular constitution. But Dauphiny, less fortunate, because its subjection to the empire was more tangible, found itself checked in this career of municipal renovation by the support which the bishops of the principal cities received in the elections, in opposition to the spirit of independence and attempts of the *bourgeoisie*. In this province, and in consequence of the circumstance which I point out, where the consulate appears at all, it is as a new title, and not as a new power; we find it reduced to something mediocre and subordinate, deprived of jurisdiction, having nothing of the semi-

* A curious charter of the Emperor Frederic II. is the one of 1226, which declares null and void all the consulates and other free governments of the cities of Provence. "Pervenit nuper ad notitiam nostram quod quarumdam civitatum, villarum et aliorum locorum universitates in comitatibus ipsis degentes proprio motu et voluntate constituerunt juridictiones, potestates, consulatus, regimina et alia quædam statuta, quæ ad suæ arbitrium voluntatis exercent; et cum jam apud quasdam . . . in abusum et pravam consuetudinem inoleverunt . . . nos ex imperiali auctoritate tam juridictiones, consulatus, regimina, potestates et statuta cætera per universitates civitatum inventa, atque concessiones super his, per comites Provinciæ et Forcalquerii ab eis obtentas, ex certa sciencia revocamus, et inania esse censemus." (Papon, *Histoire de Provence* t. ii., preuves, p. 50.)

sovereignty which is its essential privilege in the cities of Provence and Languedoc. The remark which is here made in the case of Dauphiny, is partly applicable to Lyonnais and Bresse; and such is the reason which has made me detach these three southern provinces from the region of the free municipalities under the consular government.

The movement of the communal revolution, originated in the north of France, and thence propagated over the territories of the empire, was stifled at Trèves,* in 1161, by the Emperor Frederic I.; there is no proof that it ever penetrated into the cities of Alsace. These cities, which for the most part hardly date beyond the twelfth century, acquired their free constitution piecemeal, by grants of the sovereign, and in accordance with a law of progress common to all the cities of Germany. The principle of their quasi-republican independence was not, as elsewhere, an enthusiastic spirit of reformation, a violent and successful struggle with the seigneurial power, but the exemption, legally obtained, from all jurisdiction except that of a delegate of the emperor, and the gradual change of the imperial officer into municipal magistracies. It is in this

* "Communio quoque civium Trevirensium, quæ et conjuratio dicitur, quam nos in civitate destruximus . . . quæ et postea, sicut audivimus, reiterata est, cassetur et in irritum revocetur, statuentes ne deinceps, studio archiepiscopi vel industria comitis Palatini reiteretur." (Hontheim, *Hist. Trevir. Diplomat.*, t. i., p. 594.)

manner that even inconsiderable cities, such as Haguenau, Colmar, Mulhouse, Schelestadt, Wissembourg, Seltz, and others of less importance, came to possess the right of a militia, and of the administration of justice in its highest departments, the right to raise taxes, to create magistrates, to make statutes of political organisation, to afford an asylum to refugees, to declare war and peace, and to form alliances even out of the empire. Similar municipal rights were accorded in the case of the imperial cities subject to the continual presence of a representative of the sovereign under the titles of count, prætor (*préteur*), provost (*prévôt*), and protector (*avoué*),* a strange combination, which is only found there, and which proceeded from the entirely federative nature of the German empire.† Another peculiarity of the municipal system of Alsace is, that, among the urban magistracies, many are hereditary fiefs, and that the *bourgeoisie* of the cities are composed of nobles and commons, between whom the administration is divided with sufficient equality, up to the middle of the fourteenth century: at a later period the plebeian classes gain the preponderance, and democracy prevails. This change, effected more or less completely in the course of struggles more or less vigorous, is the only

* It is by a contraction of the Latin *advocatus* that the German word *vogt* is formed.

† The cities, free and with a power of direct appeal to the emperor (*immédiates*), had, like the states of the empire, a place and delibeıative voice in the diet.

revolutionary fact in the history of the cities of Alsace, with the exception of that of Strasbourg.

Strasbourg, which was the most ancient of these cities, the only one whose existence was traced to the times of the Romans, had a municipality of immemorial standing, the elements of which were absorbed in the temporal seigniory of the bishop. Even towards the end of the twelfth century, we find the corporation of the city limited to officers and noble vassals of the episcopal house, who formed a class of patricians and an hereditary senate. In the following century the first revolution took place; the municipality received an organisation distinct from, if not entirely independent of, the seigneurial court; there was a senate, whose election was annual, which was replaced by self-election, and taken according to proportions which varied, partly from the noble vassals of the bishop, and partly from the highest class of the *bourgeoisie,* properly so called.* After about a century and a half this aristocratic municipality was overturned by an insurrection

* "Statutum est ut duodecim vel plures, si necesse fuerit . . . . . tam inter ministeriales quam inter cives ponantur annuantim consules civitatis, inter quos unus magister vel duo, si necesse fuerit, eligantur." (Episcopal statute of the first years of the twelfth century, Grandidier, *Hist. de l'Eglise de Strasbourg,* t. ii., p. 37, note 1.) The word *consules,* in the Latin acts of the German municipalities, does not denote any imitation of the Italian cities; it is the simple translation of the word *R·then*—counsellors. The title of the municipal magistrate was *Meister,* from which is formed *Stettmeister, Burgmeister,* &c. Senate and Council are the same thing.

of the middle and inferior classes of the *bourgeoisie;* a second revolution took place, and from it sprang a new municipal constitution, founded upon the political existence of corporations of arts and trades, which were called *Tribus,** and the number of which, at first variable, was fixed at twenty by a definitive statute. The administration of the law of the city was now confined to only two classes, the nobles and artisans; the *bourgeois* pursuing commerce and the liberal professions necessarily blended with the latter, by forming a part of one of the companies (*tribus*). The senate, or great council, was composed of thirty-one members, ten nobles, twenty plebeians, representing the twenty companies, and a head of the government (*Ammeister*†), who was of necessity a plebeian. These inferior colleges, having special privileges, and called the chambers of the thirteen, the fifteen, and the twenty-one, were similarly composed—one-third of nobles and two-thirds of plebeians.‡ Lastly, above all these powers, the council of the three hundred *échevins,*§ formed by the election of fifteen of its members by each of the twenty tribes, or plebeian sections of the community, was supreme, as invested with the municipal sovereignty. This singular municipal constitution, whose foundations were

* In German, *Zünfte.*

† By contraction for *Amman-meister.*

‡ They were called the three secret chambers, *die drey geheimen Stuben.*

§ In German, *Schœffen.*

laid in 1334, but which did not receive its final shape till 1482, existed up to the revolution of 1789.* The annexation of Strasbourg to France made no fundamental change.

Besançon, the capital of the county of Burgundy, or of Franche-Comté, a city of the empire beyond the countries of the German language, presents a leading example of the frequently strange effects of this political position upon the extension of the development of the municipal existence. When the emperors succeeded to the states of the kings of Burgundy,† they thought that the best means of securing to themselves that foreign possession was by giving the chief cities of the country in feudal tenure to the bishops, who thus became princes of the empire, invested with royal prerogatives and with the municipal autocracy in each city. Thus, at Besançon, the temporal power of the archbishop was absolute, both by right and in fact, up to the last years of the twelfth century. At that time the complaints of the citizens against the abuses of this

* Before the definitive constitutional charter of 1482, there were not less than sixteen organic statutes promulgated successively. Bodin, in his work *de Republicâ*, frequently mentions the constitution of Strasbourg, especially in the sixth book, ch. 4; but he is mistaken in saying that, in order to be a plebeian magistrate, it was absolutely necessary to follow a trade. He has confounded the description on the rolls of a *company* with the actual exercise of the trade of which that company bore the name.

† By donation of Rodolphe III., in favour of Conrad le Salique, husband of his niece, Gisèle.

power attracted the attention of the Emperor Henry VI., who, in order to ensure good order, and to regulate the seigniory of the archbishop, authorised the institution of a kind of jury to take part with the *seigneur* in the administration of justice, and the creation of an elective municipality, with the management of the police and charge of the city.* When put in possession of this first degree of independence, the *bourgeoisie* of Besançon did not stop; it proceeded to attack whatever remained of the ancient autocracy of the archbishop, and it succeeded. It assumed, by successive encroachments, the civil and criminal jurisdiction, the political

* "Si vero cives prædicti vel aliquis ipsorum civium coram archiepiscopo seu coram vicecomite seu majore fuerint accusati vel accusatus, vel quoquumque alio modo in judicio coacti vel coactus, capti vel captus . . . et in causa fuerit conclusum, ex tunc vocatis aliis civibus dictæ civitatis, dicti cives vel civis, per cives non inimicos et minus favorabiles, sed communes ad hoc specialiter electos, de prædictis civibus vel cive judicabunt, et quod judicatum fuerit per judicem coram quo fuerint convicti vel convictus, mandabitur executioni . . . . Volumus et concedimus ut custodia nostræ civitatis Bisuntinæ penes cives remaneat, ut eam custodiant et defendant pro nobis. . . . Liceat ipsis civibus de seipsis eligere meliores et discretiores, qui jurati regant et procurent negotia civitatis, prout faciunt cives et burgenses per regnum nostrum constituti." (Diploma Henrici VI., 1190. *Hist. de la Ville, Eglise et Diocèse de Besançon*, by Dunod, t. i., preuves, p. 53 and foll.) We observe that, at Besançon, there was nothing municipal in the title of mayor; it belonged, like that of viscount, to a feudatory officer of the archbishop; there were three courts of seigneurial justice in the city, two inferior ones, and one of appeal—the *vicomté* the *mairie*, and the *régalie*.

government within the walls, and the power of war and peace without. The whole of the thirteenth century was employed on this revolution, which was effected by means of a persevering determination, numerous insurrections, and defensive alliances with one or other of the great *seigneurs* of the country.* The imperial sovereignty was endangered by these confederations; the emperors believed that they could trace in them the interference of the King of France; they attempted to dissolve them, and to support the power of the archbishop by threatening edicts;† but the city refused to obey, placed itself under the protection of the Counts of Burgundy, and even dared to carry on a siege against the sovereign who refused to admit it as a free city, and entitled to be its own representative.‡ Under

* The city concluded treaties of alliance with John, count of Châlons, and William, sire of Apremont, in 1224 and 1225; with Hugo IV., duke of Burgundy, and his son, Eudes, count of Nevers, in 1264; with Otho, count palatine of Burgundy, in 1279; and with his brother, Hugo of Burgundy, in 1290.

† A letter addressed by Rodolphe I. to the citizens of Besançon, in 1277, contains the following passage: "Sicut ad culminis nostri pervenit notitiam, rex Franciæ, fermento persuasionis suæ, sinceritatem fidei vestræ molitur corrumpere, vos a fidei nostræ et imperii debito avertendo, et servitium sui secularis dominii accrescendo." (Chiffletii, *Vesontio Civitas Imperialis Libera*, t. i., p. 229.)

‡ In 1288, on the occasion of a league formed between the city of Besançon, the Count of Montbelliard, the sire of Ferrette, and other *seigneurs*, against the Bishop of Basle, who supported the Emperor Rodolphe.—There may be seen, in the collection Droz, of manuscripts of the Bibliothèque Impériale,

the influence of such powerful arguments, the emperors changed their policy; they no longer persisted in upholding the cause of the archbishop, but let the seigneurial rights pass from the prelate to the corporation, and be consolidated by prescription in the hands of the *bourgeoisie*.* From the fourteenth century down to the second half of the seventeenth, though the archbishop of Besançon still remained nominally a prince of the empire, the city exercised all the powers which were originally attached to that dignity.

It is a remarkable thing that, during nearly five centuries, no change was made in the organisation of the municipal powers at Besançon. One and the same form of constitution was sufficient for the first commencement, and for all the after progress, of its political liberty, and the government established by grant of the Emperor Henry VI. continued up to the conquest of Franche-Comté, by Louis XIV. In the seven

*Franche-Comté, Archives et Franchises des Communes*, a great number of imperial acts of the thirteenth century, for the defence of the temporal power of the archbishops.

* See in the collection Droz, *Franche-Comté, Archives et Franchises des Communes*, a series of acts of the emperors, recognising, in their full extent, the rights acquired by the city, and declaring that the archbishops claim unlawfully to have the *seigneurie* of it. The first of these acts is that of Adolphe, king of the Romans, in 1296; the last, of the Emperor Maximilian, in 1503. In 1435, under the weight of an interdict denounced against them by the archbishop, the citizens entered into a composition with him; but they recovered their full liberty a short time afterwards.

quarters of the city termed *Bannières,* in consequence of each having its own flag and colours, the citizens chose every year twenty-eight *notables,* who, in their turn, named fourteen persons, two for each *bannière,* to form the magistracy of the year. These fourteen representatives, who were at first called *prud'hommes,* next *recteurs,* and last of all *gouverneurs,* were the ordinary council who conducted the municipal police and administration of justice; none of them possessed superiority over the others—all presided in turn. The fourteen magistrates on duty, together with the fourteen who had just quitted office, and the twenty-eight *notables* of the current year, composed the council of state representing the people, and invested with the sovereign authority. The meetings of this great council, which were only held for affairs of the highest importance, were publicly announced many days beforehand, together with the matters necessary for discussion. Its acts were regarded as the expression of the public will.* Under this

* See Dunod, *Hist. de la Ville, Eglise et Dioc. de Besançon,* t. i., p. 170. There is in the collection Droz an organic statute decreed, in 1544, by the twenty-eight *notables,* at the time of their election, and before they could have proceeded to that of the fourteen *gouverneurs* of the year. The following is the preamble of this act, which regulates the prerogatives of the municipal magistrates: "We, the twenty-eight of the seven *bannières* of the imperial city of Besançon, elected by the people of this city, and holding at present the entire administration of it, . . . . have, with the consent of the said people, and on their requisition . . . . appointed and ordained, and now appoint and ordain, for ever, the following articles." . . .

sober and moderate form of democratic government, there were developed in the city, which became continually freer, without becoming less united on that account, habits of sturdy independence, and a spirit of calm devotion to the general interest, which seems to have left its stamp in the inscriptions engraved on the tombstones of two citizens who died in battle in the thirteenth century.*

The city of Poligny, to which the rights of franchise and community† were guaranteed by a charter of the thirteenth century, was at first governed by four *prud'*-

(Biblioth. Imp. Collect. Droz, *Archives et Franch. des Communes*, t. ii., fol. 283.) By being annexed to the kingdom of France, the city of Besançon lost all its political privileges: the high municipal jurisdiction was transferred to the parliament.

* "Anno Domini M.CC.LXXIII, VI kal. Maii, interfectus fuit Johannes Gravius, civis Bisuntinus, pro libertate civitatis Bisuntinæ, gerendo ipsius civitatis negotia. Anima ejus requiescat in pace." (Chifflet, *Vesontio Civitas Imperialis*, &c., t. i., p. 227.) The second epitaph, translated in the same words, and placed in the same church, bore the name of Otho of Berne. Ibid., p. 226.

† This charter was granted in 1288 by Otho V., count of Burgundy. I use the word *communauté* in this place instead of the word *commun*, which is the one found in the charters of Franche-Comté :—*Et pour tel commun gouverner . . . . prædicti communis et franchisiæ. . . . .* This kind of municipality, which was not the *commune jurée* of the cities of the north, and which we must take care not to confound with it, cannot be indifferently called by that name. In the middle ages, the word *commune* had not, as I have already said, the generality of signification which it has obtained since the fifteenth century, and which still belongs to it.

*hommes,* annually elected, and having no jurisdiction beyond the police. In the fifteenth century it obtained the power of adding twelve councillors to its four original magistrates, and of administering justice in the inferior courts. Lastly, by a charter granted in 1525,* full powers of administration of justice was allowed to it; and a mayor, who took the title of viscount, as at Dijon, was placed at the head of the civic corporation, which was composed of two councils. Dôle and Salins experienced the same train of progress in their municipal constitution. At Monbelliard the common council was composed of nine master-citizens (*maîtres-bourgeois*), and of one elected as chief to preside over them. The mayor was an officer of the count, by whom he was nominated, and accredited to take his place with the municipal magistrates, but having only a consultative voice in the deliberations of the council. A singular instance of a community of immemorial existence is offered by the city of Pontarlier, which was united from remote antiquity in one common body, with twenty villages situated around it. These villages shared the rights of the city in the election of magistrates, and its liabilities in the expenses of the common administration.† All the inhabitants of this territorial *circonscription* were *bourgeois* of Pontarlier; they took the title of barons,

* By Marguerite, archduchess of Austria and countess of Burgundy.

† This administration consisted, in the sixteenth century, of a mayor, four *échevins*, and eight councillors.

and their community was named the *Baroichage;* that is, the Baronnage of Portarlier.* This name—joined to the right of self-government, and of having judges of its own appointment in the case of the population of a whole territory—displays a fact, if not unique, at least very rare, through the whole extent of France Proper, namely, the preservation, through the course of many centuries, of a remnant of the Merovingian institutions, of a hundred (*centaine*), together with its freemen, such as is presented to us by the legislative monuments of the first and second races.† As a general rule, the charters of privileges in the villages of the second order, and the boroughs of Franche-

* In the dialect of the country they used the word *barois* for *barons.* The charters of the thirteenth century have indifferently *bourgeois* or *barons* of Portarlier; we also find in them the formula *chevaliers et barons de Pontarlier;* and in this case the words *barons* has an inferior signification to *chevaliers*—it means the simple *bourgeois.* The union of the *baroichage* of Pontarlier was dissolved towards the middle of the sixteenth century: in 1537 the villages refused to pay their proportion of the expenses of the city, and pleaded before the parliament of Dôle for the separation of their interests, and the independence of their administration.

† An exactly analogous circumstance is met with in Belgian Flanders, where we find the *Franc de Bruges* and of other territories similarly constituted in a community of immemorial standing. The communes formed of many villages in virtue of a charter bearing a date, of which Picardy affords a special example, are of an entirely different nature. (See the *Histoire de Pontarlier,* by Droz, and Du Cange's *Glossary,* on the word *Centena.*)

Comté, do not ascend higher than the second half of the thirteenth century; the title of *échevins*—foreign to the province — does not appear till late, and the office of mayor still later; the municipal period does not extend beyond the limits which the Roman laws assign to it; lastly, the number of four magistrates, which almost universally prevails, seems, as I have already remarked, a type derived by tradition from the municipality of the Roman times.

I now come to provinces in which the municipal law belonged much more to periods prior to the twelfth century than to the renovation effected in that century, and continued to the thirteenth. The revolutionary movement, the tendency of which was everywhere to give to the *bourgeoisie* a part of the urban sovereignty, only produced some transient commotions in the great cities of Lyonnais and Dauphiny; it did not change the foundations of the traditional constitution, or establish new powers or new political liberties. After the period of litigation and struggle between the *bourgeois* and the *seigneur*, the amount of those liberties continued the same as in past times; but they were now guaranteed to them in a more secure and express manner by an actual compact, and by written agreements.

The most striking example in France of the uninterrupted continuance of Roman law is displayed by Lyons, in which the tradition of that continuance throughout the course of the middle ages appears most strongly impressed on its manners, its public acts and

documents of every kind. Invested at its origin with privileges which were conjointly designated by the name of *droit Italique,* this great city preserved them with a pious and courageous perseverance; at all periods of its existence it desired the maintenance of them, and, it is worthy of remark, that it never demanded more.* The most complete immunity of person and property, the exemption from all taxation beyond the municipal expenses, the right of forming a corporation which taxed itself, and administered its common funds by elected representatives, which watched over its own security by means of an urban militia, and managed the police of the streets and superintendence of trades, but was without criminal or civil jurisdiction: such are the liberties which the *bourgeoisie* of Lyons called its hereditary customs, and which it energetically defended against the temporal power of the archbishops, without encroaching upon the seigneurial sovereignty, without allowing itself to be hurried away by the example of the cities which, under the influence of the great movement of the communal revolution, had increased their civil liberty by political guarantees, and acquired, either in whole or in part, the right of juris-

* On the cities of the provinces which partook of the *jus Italicum, i.e.* of the right which, according to rule, would belong only to Italy, see the *Histoire du Droit Romain,* by Savigny (French translation), t. i., p. 49; the *Essai sur l'Histoire du Droit Français au Moyen Age,* by M. Charles Giraud, t. i., p. 94 and following; and the *Recherches sur le Droit de Propriété,* by the same author, t. i., p. 299 and following.

diction.* After a violent struggle between the *bourgeoisie* and the church of Lyons, which lasted more than a century, when a definitive pacification took place, nothing was stipulated for in the charter which sealed this peace, but the respect and perpetual maintenance of the customs which were said to date far beyond the memory of man.† The terms of this charter, granted in 1320 by the archbishop Peter of Savoy, are curious, and deserve to be quoted:—

"Considering that it is written in the old law of the philosophers, that the inhabitants of Lyons are among those who, in Gaul, enjoy the rights of the Roman law, we heartily desire, in a friendly spirit, to maintain our

* An agreement in the year 1208, between the citizens of Lyons and the archbishop, has the following expression:—*Juraverunt cives nullam conspirationem vel juramentum communitatis vel consulatus ullo unquam tempore se facturos*,—a remarkable form of expression, since it aims at the two forms of constitution introduced by the revolution of the twelfth century—that of the north and that of the south—the *commune* and the *consulat*.

† The appearance of the title of consul during this civil war may be urged as an objection to this account; but every thing seems to prove that the revolutionary government of the consulate was embraced at Lyons only from despair, and not from any real affection for the political rights inherent in that form of government. The insurgent city assumed it as the most energetic expression of its revolt, and resigned it as soon as sufficient guarantees for its immemorial constitution had been secured. At that time nothing remained of the consular system but the name, and the thing itself disappeared without leaving regret.

illustrious city of Lyons and its citizens in possession of their liberties, usages, and customs, and to testify more and more favour and grace towards them, to the glory of God, for the interests of the peace and tranquillity of the Church, the city, and the whole country.*

"The following are the liberties, immunities, customs, franchises, and usages of the city and citizens of Lyons, for a long time acknowledged . . . . .

"That the citizens of Lyons have power to assemble and elect counsellors, or consuls, for the despatch of the affairs of the city, to appoint *syndics* or *procureurs*,† and to keep a common chest for the preservation of their letters, privileges, and other subjects of public utility.

"Item, the said citizens of Lyons can impose taxes on themselves for the necessities of the city . . . . . .

"Item, the said citizens can mutually constrain one another to take up arms whenever necessity shall require it . . . . . .

* "Considerantes etiam in lege philosophorum veteri scriptum quod Lugdunenses Galli juris Italici sunt . . . ." (Charter of the archbishop, Peter of Savoy, *Histoire de Lyon*, by the P. Ménestrier, preuves, p. 94). This passage of the charter is in allusion to the Digest, Law viii., § 1, Paulus de censibus, where it is said, "*Lugdunenses Galli, item Viemenses in Narbonensi, juris Italici sunt.*"

† The following is the formula of procuration used in this case:—" Nos cives et populus civitatis Lugduni, more solito congregati, facimus et constituimus atque creamus nostros syndicos, procuratores et actores . . . ." (*Histoire de Lyon*, by the P. Ménestrier, preuves, p. 100.)

"Item, the citizens have had the custody of the gates and the keys of the city from the time of its foundation, and shall continue to have them.*

"Item, the citizens cannot be assessed or taxed, and never have been taxed by the *seigneur*† . . . . . ."

These rights, which were violated and disputed in the thirteenth century, only triumphed by means of the important assistance which was afforded by the kings of France, who made themselves the protectors and guardians of Lyons; and it was by the free will of its inhabitants that the city became part of the kingdom.‡ The restriction of the sovereignty of the archbishop within its ancient limits, and the subjection of his jurisdiction to an appeal to that of the king, formed the conclusion of the municipal history of Lyons, and the result of a struggle which had the aspect and the violence of the most revolutionary insurrections.§ It

* "Custodiam portarum et clavium civitatis habent cives a tempore creationis civitatis et habebunt." (*Ibid.*, p. 95.)

† "Cives non possunt talliari, vel collectari, nec unquam fuerunt collectati per dominum." (*Ibid.*)—The revenue of the archbishop consisted of the tolls, the *droits de mutation*, the charges for justice, and the fines.

‡ "Nos, supplicationibus civium Lugduni civitatis de regno nostro existentis favorabiliter annuentes, eosdem cives et eorum singulos sub nostrâ speciali gardiâ et protectione suscipimus . . . ." (Charter of Philippe le Bel, in the year 1292; *Histoire de Lyon*, by P. Ménestrier, preuves, p. 99.)

§ See, together with the *Histoire de Lyon* of P. Ménestrier, the two publications entitled *De la Commune Lyonnaise*, by M. Auguste Bernard, and *l'Hôtel de Ville de Lyon*, by M. Jules Morin.

was during this struggle that the traditional government of the municipal party, the Council of Fifty (*la cinquantaine*), the shadow of the senate of the Roman times, concentrated itself, in order to act more effectively, in a small council of twelve persons, which, after the peace was concluded, maintained a separate existence, and the members of it, by a sort of eclecticism between the systems of the north and the south, received indiscriminately, besides the name of counsellors, that of consuls, or *échevins*.* But this consulate was not to be compared with that of the cities of Provence and Languedoc, since it did not possess the administration of justice either in the upper or inferior courts. The jurisdiction remained entire in the hands of the archbishop; the city never claimed a share of it; it only wished that the right of the administration should remain in the hands of the prelate, to the entire exclusion of the chapter. On this point the public spirit of the inhabitants of Lyons, true to the spirit of the Roman law, showed itself energetically opposed to the

* In all the charters confirmative of that of 1320, and especially in the charter of Pierre de Villars, granted in 1347, the municipality of Lyons is designated by this one term—the counsellors (*consiliarii*). The series of public acts, since the fourteenth century, presents the following titles:—*consuls, rectors, and governors, of the university of Lyons, counsellors for the direction of the police and common matters of the city, and counsellors échevins.*

practice of the piecemeal division of authority which characterised the feudal system.*

This constitution, which was derived by successive evolutions from the most ancient form of the municipal system, and into which nothing really new had been introduced, unless it were the concession of the right of election to the companies of arts and trades, was succeeded, towards the end of the sixteenth century, by a foreign constitution, namely, that of Paris, imposed on it by letters patent of Henri IV.† The college of twelve counsellors, equal in power, and presided over by one of themselves, was abolished, and in its place there were appointed a *prévôt des marchands* and four *échevins*, who received from usage the collective title of consuls.‡ With respect to the urban militia, it continued down to the revolution of 1789, forming, under the name of *pennonage*, companies, one belonging to each of the quarters of the city, whose particular standard it assumed. Thence, ascending by its traditions from century to century, we might trace its uninterrupted existence, even to the times of the Gallo-Roman municipality.

* "Item, juridictio temporalis Lugdini omnino dicta pertinebit semper et in omni tempore ad archiepiscopum Lugduni, et capitulum nullam juridictionem habebit." (Charter of Pierre de Savoie, *Histoire de Lyon*, preuves, p. 95.)

† Issued in the month of December 1594.

‡ In 1764 twelve municipal counsellors were added to the four *échevins*, and the *prévôt des marchands*; at Paris there were twenty-four.

The city of Lyons may, in a manner, be considered as the mirror from which the municipal law was reflected upon all the countries situated between Burgundy, Auvergne, and Dauphiny. This grand community, having the full enjoyment of civil rights, but limited in its political rights to that of self-administration, without possessing any jurisdiction, became the model which, according to their measure and importance, the greatest part of the cities down to the boroughs of Lyonnais, Forez, and Bresse, aspired to imitate. Their charters of immunities, whether obtained by free grant or by payment, in the thirteenth and fourteenth centuries, are remarkable for the distinctness and liberality of the guarantees which they afford for person and property. The number of four, the annual duties, and the direct election by the entire body of the *bourgeois*, form the general rule for the municipal magistrates, who are designated by all the titles successively or simultaneously in use at Lyons—*syndics, procureurs, conseillers, consuls, échevins.** One other peculiarity, due to the neighbourhood of the great city,

* At Montbrison the municipal body was formed of six persons. Bourg, in Bresse, had in early times two syndics, two *procureurs*, and twelve civic counsellors. In 1447 a general assembly of the inhabitants decided, that each year twenty-four *bourgeois* should be elected, charged with making a list of candidates for twelve places of counsellors, two of syndics, and four of auditors of accounts; these twenty-four *notables* were, besides, on the demand of the syndics, to be joined to the council on important occasions.

in which numerous civilians were formed by the practice of the law, is the spirit of Roman law, which breathes, if I may be allowed the expression, in the charters of franchises and customs, especially in those of Bresse. Many of these last provide, that if any case unprovided for in the charters should occur, it shall be decided by the custom of the neighbouring free cities, or, if the *bourgeois* prefer it, by the written law. Among the numerous charters of enfranchisement of the boroughs of Bresse, there is a sort of affiliation which is traceable to two or three models, which were reproduced one after the other, either without any variation, or with additions of more or less importance.* The compilation of these acts, as prepared for simple villages, is very superior to that which corresponds to them in the neighbouring territories of the northern division, and the formulas of the Roman law are found in them with a frequency and accuracy which we only observe in the same degree in the charters and written customs of Provence and Dauphiny.†

Vienne, the metropolis of this last province, the rival city of Lyons from early times, affords a second example of the same municipal destiny. We there see the Gallo-Roman constitution, in which the administration of the inferior courts of justice belongs to the civic

* See the *Recherches Historiques sur le Départment de l'Ain*, by M. de la Teissonnière, t. ii., p. 228 and following.

† See the second volume of the *Essai sur l'Histoire du Droit Français au Moyen Age*, by M. Ch. Giraud.

magistrates, and that of the superior ones to the imperial officers, changed under the influence of the privilege of urban sovereignty which was obtained by the archbishops, and so remaining without allowing an opportunity, at a later period, to the democratic movement of the twelfth century. At Vienne, as at Lyons, the charter of franchises which definitively prescribed the limits of the temporal power of the archbishop was not an act of concession, but the formal recognition of immemorial liberties. Only it is to be observed, that this recognition took place, not at the conclusion of protracted disturbances, but previous to any civil war.* In the arrangement of the respective rights of the archbishop and the community of the citizens of Vienne, the latter had in some respects less, and in other greater, privileges than those of Lyons. They had less, inasmuch as they did not possess the custody of the keys of the city; and greater, as they enjoyed an exemption from indirect as well as immunity from direct taxation.† The city of Vienne, like that of Lyons, had full liberty to tax itself; but being also, like it, without any jurisdiction, it possessed no means of compulsion with respect to the tax-payers, and it was necessary that the arch-

* Under the archbishop Jean de Bournin, between the years 1221 and 1266.

† "In primis, quòd quicumque habens Vienne domum non solvat Leydam vendendo vel emendo.—Item, habitatores Viennenses non solvant pedagium." (Confirmation of the privileges of the city of Vienne, *Ordonn. des Rois de France*, t. vii., p. 430.)

bishop should render them the assistance of his officers and his agents in the administration of justice.* Lastly, the municipal authorities at Vienne consisted of eight magistrates, annually elected by the whole body of the citizens. Their official title was *syndics* and *procureurs,* but they assumed, of their own choice, that of *consuls,* which, in the fourteenth century, became, in the south of France, the generic appellation of the urban magistrates, as the title of *échevin* in the north.

The city of Valence was one of the most agitated, and yet with the least effect, by the breath of the municipal revolution of the twelfth century. From the middle of this century we see confederations (*associations jurées*) formed against the temporal power of the bishops, confederations which, on two occasions, were dissolved and forbidden by decree of the emperors of Germany.† In spite of this formidable interference, a revolt of the citizens against the autocratic government

* "Item, quòd cives et habitatores Vienne predicti si facere voluerint collectam ad opus ville et pro necessariis ejusdem, hoc facere possint et valeant, et dictus dominus archiepiscopus consentire debeat et ibi illos qui solvere noluerint compellere teneatur." (*Ibid.*, p. 434.)—"Et, collectâ impositâ, ad requisitionem dictorum civium, dominus archiepiscopus administrabit duos badellos pro dictâ collectâ levandâ et executioni demandandâ." (Customs, franchises, and privileges of the city of Lyons, *Hist. de Lyon*, by the P. Ménestrier, preuves, p. 95.)

† "Cives communitatis nullum faciant juramentum, nec aliquam jurent societatem, sine arbitrio et consensu episcopi, et si fecerint, component pro penâ centum libras auri, medietatem imperiali fisco, medietatem episcopo." (Charter of the

of their bishop took place in the first years of the thirteenth century.* Appeased for the time by a compromise, it was followed, within twenty years, by a more violent insurrection, which compelled the bishop to quit the city,† and gave birth to a curious form of revolutionary government,—two magistrates, a *recteur*, invested with full powers, except that of jurisdiction, and a judge strictly confined to judicial duties, were created. They had counsellors elected as their assessors, and a public crier placed at their orders. A vast building was used for the meetings of the municipal magistrates and the people, which was called the Hall of the Fraternity, from the name assumed by the confederation of the citizens, who all possessed the right of suffrage.‡ This government did not last long, and while the bishop, on quitting the city, was employed in collecting troops

Emperor Frederic I., in the year 1178. *Essais Historiques sur la Ville de Valence*, by M. Ollivier, p. 242.)—"Prohibemus ne aliquâ occasione civibus Valentinis licitum sit inter se aliquam communem jurare societatem, vel aliquando contra aliquem vel aliquos ordinare conspirationem, nisi id specialiter de arbitrio et consensu ipsius episcopi." (Charter of the Emperor Philip II., in the year 1204; ibid., p. 243.)

* In the episcopate of Humbert de Meribel, which commenced in the year 1199.

† William of Savoy, whose episcopate commenced in 1226.

‡ *Histoire Générale de Dauphiné*, by Chorier, t. ii., p. 107. In a charter granted, in the year 1212, to the city of Sisteron by the Count of Forcalquier, we find: "Consulatum confirmo vobis et ratum facio in perpetuum . . . . Item confratriam vestram confirmo." (See the *Histoire de Sisteron*, by M. de Laplane, Appendix.)

to besiege it, powerful parties interposed, the dispute was referred to arbitration, when it was decided that the hall of the *confrérie* should be razed, that no municipal meeting should take place without the authority of the bishop, and that the citizens should pay him a fine of 6000 marks.*

This treaty of peace was concluded in 1229, and at that time the inhabitants of Valence were again placed under the episcopal autocracy, modified by their traditionary franchises. In the fourteenth century they were enabled to get the latter reduced to writing, with promises of their maintenance, but without political guarantees, and almost without municipal organisation.† These franchises, purely civil, were the same as those of Vienne, affording them, together with liberty of person and property, exemption, not only from all direct taxation, but from all indirect.‡ Valence, however, con-

* *Histoire Générale de Dauphiné*, by Chorier, t. ii., p. 108.

† See the *Essais Historiques sur la Ville de Valence*, by M. Ollivier, p. 62 and following.

‡ "Item, plus ultra hec consuetudo est in civitate Valencie, burgo et suburbiis ejusdem, et usus longevus à tanto tempore observatus quòd in contrarium memoria hominum non existit, quòd nullus burgensium, civium, incolarum et habitantium ejusdem, tenetur ad solucionem alicujus layde, emendo, vendendo, neque alicujus vectigalis sive pedagii, in civitate Valencie.—Item, quòd nulla taillia, angarum, proangarum, seu aliud tributum vel subsidium, quandocumque eis imponi potest neque debet vel alia quævis collecta seu exactio." (Confirmation of the privilege of Valence, *Ordonn. des Rois de France*, t. xix., p. 193.)

tinued to think that such rights were not sufficient, or that they were precarious while there was no municipal power capable of defending them. It never rested till it had obtained, under the protection of the King of France, become Dauphin of the Viennois, a certain shadow of that power,—an example which shows, in the most striking manner, what part we ought to assign to the desire of political liberty in the revolutions of cities in the middle ages. In the year 1425,* the citizens of Valence acquired in this respect some very reasonable rights, which they never lost. They were permitted to rebuild their common hall, and to assemble to the number of twenty-four persons, without the permission of the bishop or the presence of his officers.† The custody of the city keys was declared to belong to them when the bishop was not in residence. This personage, on his appointment, and all his officers on entering upon duty, were to take an oath on the four gospels to protect, and see protected, the franchises, liberties, usages, and customs, of the city, borough, and *faubourgs*.‡

* By an agreement with the bishop, John of Poitiers.

† "Item, quòd, quocienscumque de negociis communibus ejusdem civitatis est tractandum, congregari et convenire possint licite in domo communi ejusdem civitatis vel alibi, de burgensibus, civibus et habitatoribus ejusdem, usque ad numerum quater vigenti, etiam si pluribus vicibus et frequenter ac diverse persone eorumdem in diversis congregacionibus hujusmodi successivè conveniant, et ibidem de eisdem negociis liberè tractare et disponere prout eis videtur opportunum." (*Ordonn. des Rois de France*, t. xix., p. 194.)

‡ *Ibid.*, p. 193.

Lastly, the municipal body, few in number, and without jurisdiction, was composed of syndics and counsellors, commonly called consuls, a secretary, and a *Mandeur*, an officer charged with issuing the orders for service to the urban guard, and giving notice to the magistrates of the time when they would have to meet in council.*

## VI.

It is in the series of the municipal charters of Die that we find the greatest amount of information, enabling us to fix the extent of the immemorial liberties which, in the case of the cities of the south of France, are derived from a twofold tradition, namely, that of the Gallo-Roman municipality, and that of the Gallo-Frank of the times of the second race.† To judge of it by the charters of Lyons, Vienne, and Valence, this municipal system seems reduced to the mere rights of governing and guarding the city, without any right of jurisdiction, either assumed by force or voluntarily conceded; but this appearance is only produced by the scarceness of documents, or the rule is not general. At Die, on the contrary, an

* "Syndicos et consiliarios, secretarios, et mandatores nominare." (*Ibid.*, p. 194.)

† On the privilege of *immunité*, that is to say, of urban sovereignty granted by the kings and the Frankish emperors to the bishops, see the *Considérations sur l'Histoire de France*, chap. v.

ancient municipal city and an episcopal seigniory, an immemorial right of jurisdiction is recognised in the city, not only in the case of the non-payment of the municipal dues, and of refusal or neglect of service in the urban guard, but also in the case of every crime and offence committed by a citizen on guard during his hours of duty, with the exception of homicide and adultery.* The authentic proofs of this fact

* "Si vero contingat quod aliquis seu aliqui civium Diensium, tam de majoribus quam de minoribus, nollet seu nollent solvere, aut occasionem aliquam inveniret seu invenirent quod non persolveret seu non persolverent pecuniam taxatam seu levatam, vel talliam aut taxationem quæcumque facta seu taxata fuerit, possunt et debent sine injuria aliqua, absque licencia alicujus domini . . . . Alterum concivem suum seu concives suos, tam meliores quam minores, quam etiam mediocres, auctoritate propria pignorare et pignus seu vadium vendere, alienare, aut pignori obligare, usque quo persolverit seu persolverint.

"Et similiter si aliquis seu aliqui civium Diensium non voluerit seu noluerint esse vigil sive serchia, vigiles sive serchie, arcubius sive arcubii, gachia seu gachie, vel non vult seu nolunt facere, possunt et debent dicti cives . . . . quemlibet auctoritate propria pignorare, et penam quam voluerint eisdem ponere, et pro pena pignus suum ponere et retinere vel vendere aut pignori obligare, usque quo satisfecerit et persolverit, vel satisfecerint et persolverint perfecte.

"Si autem aliquis vigil seu serchia, aut aliqui vigiles seu serchie, vigilando aut eundo per civitatem, custodiendo vel serchiando civitatem, aut aliquis gachia, aut arcubius, seu aliqui gachie vel arcubii faciendo gachiam, vel aliquis civis Diensis predicta faciendo seu exercendo, vel aliqui de predictis aliquid forefecerint, seu in aliquo deliquerint, seu delictum aliquod, seu forefactum fecerint, non potest nec debet propter

are very valuable, because they enable us to infer the self-same fact in the case of other cities of the southern provinces, in which it is otherwise impossible to establish it, either from the want of original documents, or because the introduction of the consular constitution, together with its full jurisdiction, or, at least, with that of the inferior courts, throws some doubts upon the antiquity of the partial rights which it absorbed, while it enlarged them, and induces us to suppose that all the degrees of the municipal jurisdiction date from the same period, and proceed from the same origin. It is curious to follow, in the numerous fundamental statutes of the city of Die, as in the municipal history of Lyons, the destiny of a traditional constitution, which maintains itself, although exposed to violent pressure, on the one side, from the ambition and jealousies of the seigneurial power, and, on the other, from the passion for self-government which, in the twelfth and thirteenth centuries, spread from city to city the example of the revolutions which were commenced for the establishment of the Consulate.

hoc per nos vel per nostram curiam puniri in aliquo, nec etiam condemnari, nec aliquid inquirere, nec aliquam inquisitionem facere contra eum possumus nec debemus, sed in juridictione sui prefecti sive mandatoris, seu mandatorum suorum debet esse, nisi homicidium seu adulterium fecerit, in quo casu secundum consuetudinem nostre curie punietur." (Charter granted by the bishop Didier, in 1218; copy made in the archives of the department of Drôme for the collection of unpublished monuments of the history of the *Tiers Etat.*)

It is a remarkable circumstance that, in the first chârter acknowledging and confirming the immemorial franchises of Die, a charter which was granted in 1218, and was a compromise between the citizens and their bishop, after a quarrel of which we possess no historical detail, the title of consul is found joined with those of *syndics* and *procureurs*.* Is this a sign of tolerance towards a designation which, introduced at first with the revolutionary changes which it expressed in the twelfth century, had lost all its offensive signification in the eyes of the ruling party by the abandonment of those constitutional reforms? or, did this promiscuous use of the new title and the old names of the municipal magistrature, which we observe in the cities of Lyonnais and Dauphiny beyond the middle of the thirteenth century, exist at Die before 1218?† However this may be, the quarrel between

* "Confitemur etiam et in veritate recognoscimus, nos predictus Desiderius episcopus, nomine nostro et successorum nostrorum, de voluntate predicti capituli quod cives Dienses vel saltem major pars civium Diensium, usi sunt et consueti fuerunt, per magnum tempus ita quod non extat memoria, eligere, facere, creare, constituere, seu ordinare et per se ipsos confirmare, consules, syndicos, vel actores, seu procuratores, quandocumque eis placet vel placuerit, et quandocumque eis necesse est vel fuerit." (Charter of the bishop Didier, art. 10).

† The first supposition seems confirmed by an article of the same charter, which acknowledges in the inhabitants of Die the right, not only of building ovens and mills, but also towers on their properties: *Et etiam quilibet habitat in dictâ civitate et suburbiis ejusdem potest et debet turres, furna et mo-*

the bishop and the citizens having been at that time appeased, was renewed in a more violent manner about the year 1245; an insurrection resulted from it, the result of which was probably to transfer to the civic body a share of the temporal jurisdiction of the bishop. A fresh compromise by arbitration put an end to the civil war, when a pardon was declared for all injury committed during the troubles, and matters were replaced on the same footing as they were before.* At the end of this peace, in 1246, a general compilation of the liberties and privileges of the city of Die was prepared by common agreement to serve as law to the city. According to the provisions of this code, which was compiled from the ancient charters and unwritten customs, the municipal authority was still limited to its traditional duties, the police, the public ways and buildings, the guard and fortifications of the city. But a right which, if not new, was at least announced for the first time in its full force, was now recognised—that of modifying the present statute, and forming others

*lendina facere, seu edificare et reparare .... quotiescumque ei placuerit et quandocumque ei placuerit, dum in suo faciat seu edificet.* (Ibid., art. 7.)—The custom of building houses flanked with towers in the cities was introduced from Italy with the consular constitution.

* "Item, mandaverunt quod de omnibus malefactis que facta sunt a tempore cœpte guerre sit pax et finis inter utramque partem et valitores et adjutores eorum." (Peace concluded by arbitration between the bishop, Humbert IV., and the citizens of Die, 1245, art. 20; copy made in the archives of the department of Drôme.)

from it, not only relative to the urban administration, but also to the practice and constitution of the temporal court of the bishop.* In this way the civic body, though almost entirely deprived of jurisdiction, enjoyed the legislative power concurrently with the seigneurial court,—a circumstance which, in spite of its eccentricity, is not without analogous instances in the municipalities of the middle ages. We cannot say whether the troubles which subsequently took place resulted from the conflicts of authority produced by this distribution of power; but before the end of the thirteenth century a new civil war burst out, which was followed by a fresh agreement, by an amnesty for the outrages committed by the citizens, and by the most solemn engagements on the part of the bishop for the maintenance of the municipal privileges.†

* "Item, statuerunt quod ipsi syndici, seu actores, vel procuratores, vel quicumque syndici, consules vel actores, vel procuratores electi fuerint in Diensi civitate in futurum, possint et debeant statuta nova facere et ordinare, corrigere et emendare ista statuta presentia pro libito voluntatis, tam super factis et ordinationibus curie Diensis quam super factis et ordinationibus Diensis civitatis, quandocumque eis placuerit faciendum, retinuerunt sibi plenariam potestatem." (Statuta civitatis Diensis, art. 20; Archives of Drôme.)

† "Item, omnes offensas factas per cives et clericos tempore guerre facte per predecessorem nostrum, vel ante guerram vel post, exceptis homicidiis commissis, nec non et damna infra civitatem Diensem predictam vel in territorio nostro ejusdem per predictos nostros cives et clericos, predicto predecessori nostro et terre episcopatuum nostrorum illatos et illata."

If the effectual establishment of the consulate is obscure and doubtful in the case of the city of Die, it is certain that Gap, anciently placed under the same municipal law as Die, Valence, and Vienne,* was gained over in the first quarter of the thirteenth century by the great revolutionary movement, which at that time extended to all the cities of Provence. For the purpose of revolting against its bishop, it took advantage of the embarrassment in which he was involved by the quarrel of Frederic II. with the Pope, and by the resentment of that emperor against a great part of the clergy; it inaugurated within its walls the new constitutional reform, by which the magistrates elected with the title of consuls were invested with full political powers, with the right of direct and indirect taxation, with the absolute military command, with the possession of a municipal territory, formed or enlarged at the expense of the episcopal property; lastly, with the full and complete jurisdiction in the city and over the lands in its precincts.† In consequence of this constitution, the work

(Charter of the bishop, William of Roussillon, 1298, art. 9; copy taken in the archives of the department of Drôme.—Ibid., art. 7, 8, and 15.)

* A diploma of the Emperor Frederic Barbarossa, dated 1180, confirmed the grant formerly made by the emperors to the bishops of Gap, of the right to the vacant preferments and the lordship of the city. (See the *Histoire de Dauphiné*, by Valbonnais, t. i., p. 251.)

† The rights of the consulate of Gap are enumerated in an act which accompanied its abolition, and by which these rights,

of the popular will, which took the place of the ancient traditional government, the immemorial rights of the

taken away from the city, were divided between the bishop and the Comte de Gapençois, son of the Dauphin Humbert I.: —"Imprimis super consolatu prædicto et ejus jurisdictione ordinamus, quod dictus consolatus et jus civacri, bladorum, leguminum et aliorum, prout et de quibus soliti sunt præstari, libragium herbæ; ac salinagium, quod olim dicebatur esse de juribus consolatus prædicti et percipiebatur ac tenebatur a consulibus, dum ipse consolatus per consules regebatur, necnon et medietas territorii Montis Alquerii, jurium et pertinentiarum ejusdem, cum mero et mixto imperio jurisdictione omnimoda, pertineant et pertinere debeant ad præfatum dominum comitem, et ejus in perpetuum successores. . . . .—Claves vero portarum civitatis Vapinci, quarum custodia sub certa forma olim erat consulum prædictorum, omnino pertineant et pertinere debeant ad dictum dominum episcopum et successores ejusdem. . . . .—Præconsationes vero quælibet fiant solum in civitate prædicta nomine ipsius domini episcopi et successorum suorum, et de cætero in solidum pertineant ad eosdem.—Costellus etiam qui similiter pertinere olim ad dictos consules dicebatur, sit ipsius episcopi et ad ipsum solum pertineat et pertinere debeat in futurum. . . . .—Mandatarii quoque in civitate prædicta, qui olim a dictis consulibus ponebantur, per eundem dominum episcopum solummodo eligantur de cætero et ponantur. . . . .—Banna vero civitatis et territorii Vapinci ad eosdem dominum episcopum et comitem similiter pertineant, et inter ipsos communiter dividantur, et bannerii sive custodes ab ipsis vel eorum locum tenente communiter deputentur. . . . .—Super cognitione quidem ac definitione realium questionum, quas moveri contingeret de cætero super domibus et possessionibus quæ in dicta civitate Vapinci vel ejus territorio tenentur sub dominio seu seignioria domini comitis supradicti, ordinamus præcipimus et mandamus in posterum observari, quod jurisdictio, cognitio, ac deffinitio quæstionum,

civic body were absorbed in the new prerogatives which it received by its usurpation of the seigneurial authority. All intervention of the bishop in the municipal government became nul in law, as well as in fact, and this might appear an advantage; but, by way of retaliation, the claims of the city to its former share of immunities and privileges were nonsuited in the same manner, and this was an evil which they had eventually to regret. When, after the defeat and ruin of the consular government, they wished to fall back upon the ancient right, and to reclaim it as such, they were no longer able to do so; it had perished in the same shipwreck as the revolutionary institution, whose object was at the same time to recover and enlarge it. The victorious party was unwilling to recognise it, preferring that everything should remain unsettled, and waiting for the best opportunities which some ulterior transaction might offer.

The early existence of the consulate of Gap was prosperous, and the absolute authority which it exercised in the city was sanctioned in 1240 by a charter of Frederic II., by which its liberties, its jurisdiction, and its lands, were confirmed to it.* This supreme sanction

hujusmodi, et latæ, ac quidquid emolumenti ex eisdem quæstionibus, vel ipsarum occasione provenerit, ad præfatos dominos episcopum et comitem debeant communiter pertinere."—(Sentence of arbitration delivered in the year 1300; Valbonnais, *Histoire de Dauphiné*, preuves, t. i., pp. 54, 55.)

* The terms of the imperial diploma are now lost, but there remains an extract in the cartulary of the Hôtel de Ville of

of the system, which was produced by a revolution, was, in the case of the inhabitants of Gap, the reward of the promise which they had made to render all the duties of homage and service to the empire; their city was thus raised to the position of a free town, independent of any intermediate lord, according to the German law. But less than ten years after, this independence being no longer supported by the protection of the imperial power, became less secure and difficult to be upheld.* The bishop, who had been dispossessed by the city of his temporal seigniory, negotiated with a foreign state, and sought assistance capable of co-operating with him towards the re-establishment of his power. In the year 1257, he concluded with the Dauphin, the Count of Vienne and Albon, an offensive and defensive treaty of alliance, in which the two contracting parties divided between themselves beforehand all the rights of the consulate and the lordship over the city.† This treaty, the execution of which remained in suspense, for reasons with which we are not acquainted, during the life of the Dauphin Guigues XII., hung as a continual menace over the head of the

Gap, entitled "*Livre Rouge.*" (See the *Histoire de Dauphiné*, by Valbonnais, t. i., p. 251.)

* The dispute between the Papacy and the Empire, together with all its political effects, ceased in 1247 with the death of Conrad IV., son and successor of Frederic II.

† See the *Histoire Générale de Dauphiné*, by Chorier, t. ii., p. 136 and following.

citizens. In order to deliver themselves from it, and to anticipate the renewal of a similar agreement between the heirs of Guigues XII. and the bishop, they took a resolution which, though strange in appearance, was not without adroitness. It was to renounce on their own part all the rights of the consular government, and to transfer them by a formal donation to the widow of the Dauphin, as guardian of his children, who were minors. They reckoned, not without grounds, that that alienation would not be literally accepted; that it would not take effect except in the assertion of prerogatives which might be of benefit, and in the exercise of the last appeal in matters of justice, while the magistracy of the consuls, and the essential guarantees of the municipal liberty, would be still allowed to exist. The deed of this donation was prepared on the 11th of December, 1271, in a general assembly of the inhabitants of Gap.* All took place as was expected; no

* "Notum sit omnibus præsentibus et futuris, quod dominus Hugo Macca miles, et Jacobus Martis consules universitatis hominum de Vapinco, et ipsa universitas ibidem præsens ad parlamentum per sonum campanæ more solito ad infra scripta specialiter prædicti homines et consules convocati. . . . Prædicti quidem consules nomine suo et universitatis prædictæ, et ipsa universitas ibidem præsens, et motu proprio et spontanea voluntate, et ex certa scientia donaverunt donatione simplici et irrevocabili domino Alamando de Condriaco et Johanni de Goncelino judici comitatus Viennæ et Albonis præsentibus et recipientibus nomine dictæ comitissæ, pro dictis liberis suis, et ipsorum liberorum nomine et ipsis liberis, consulatum civitatis Vapinci, cum omnibus juribus et rationi-

change was made, except that the city passed nominally under the seigniory of the heirs of the Count of Vienne. The bishop, Eudes II., deceived in his political projects, sought for other assistance, and while awaiting the effect of his new negotiation, he conformed to circumstances, and recognised in full the powers of the consulate, subject to the condition that the number of consuls should be increased from four to five, and that one of them should be annually elected from the members of the cathedral chapter.*

The Count of Provence and Forcalquier, formerly suzerain of the city of Gap under the sovereignty of the empire, was the person to whom the bishop, Eudes, appealed for aid, promising to do him homage for his temporal seigniory, if he were re-established in it by his means. The *sénéchal* of Provence, in the name of the Count Charles of Anjou, who had lately gone into Italy, accepted the offer of the bishop, and promised to supply him with assistance against the citizens who had revolted from his authority.† This compact of

bus et pertinentiis ad ipsum consulatum spectantibus, sive illa jura consistant in bannis, justitiis, censibus, civacyriis seu in quibuslibet aliis rebus et bonis." (*Histoire de Dauphiné*, by Valbonnais, preuves, t. ii., p. 92.)

* Treaty of peace concluded the 19th of January, 1274, between the bishop, Eudes II., and the city, in the Archives of the Hôtel de Ville of Gap, the original in parchment in the chest, side A, and copy in the bag, side B.

† "Notum sit præsentibus et futuris, quod venerabilis pater dominus Oddo episcopus Vapincensis requisivit nobilem virum

vassalage on one part, and of protection on the other, remained dormant till the year 1281, when a quarrel, more violent than ever, between the city of Gap and its bishop, determined the latter, who had been put into prison by the citizens, to demand a prompt and efficient protection from the Count of Provence, who was become King of the two Sicilies. In order to interest him more strongly in his cause, the bishop made the same treaty of division as he had made with the Dauphin Count of Vienne, in 1257. The Prince of Salerno, son of the King of the Two Sicilies, quitted Provence with his troops, marched on Gap, and made himself master of it by capitulation, in 1282. The seigniory, which thus became his by conquest, was divided, according to the previous treaty, between him and the bishop, a revolution which this time enforced the political depression of the municipal government, and was intended to reduce it to the strictest limits of the urban administration.* But after the departure of

Guillelmum de la Gonessa senescallum regium in comitatibus Provinciæ et Forcalquerii, quod cum terra ecclesiæ Vapincensis sit in comitatu Forcalquerii, quod deberet eum et ecclesiam Vapincensem juvare et deffendere contra homines Vapinci, qui contra ipsum et ecclesiam memoratam rebellaverunt, nolentes ei ut consueverant obedire. Et aliqui ex eis donaverunt et concesserunt de facto, cum de jure non possent, nobili dominæ Beatrici comitissæ Viennæ et Albonis, et filiis ejus, consulatum Vapincensem qui consulatus ab ipso episcopo et ecclesia tenebatur." (Charter of the 19th December, 1271, *Histoire de Dauphiné*, by Valbonnais, t. ii., preuves, p. 93.)

* Treaty of capitulation between the city of Gap and the

the prince, the treaty of division became a dead letter in the eyes of the Bishop of Gap, who secured to himself the entire rights hitherto belonging to his seigneurial power. A long quarrel ensued between him and the Count of Provence on this subject, in which the Papal authority interposed without success, and which was complicated by a difference not less important with the family of the Counts of Vienne. In effect, this family refused to renounce the rights which it had received from the donation of the citizens of Gap, and asserted that, in default of the city itself, none but one of its own members was entitled to possess the jurisdiction and the revenues of the consulate. It appears that the danger became more urgent on this side than on that of Provence, for at the end of the thirteenth century the bishop, Geoffrey of Lansel, gave way, and under the mediation of umpires concluded a new treaty for the division of the superior lordship of the city with John, count of Gapençois, son of the Dauphin Humbert I. All the dues of tolls and markets, hitherto collected by the consuls, all departments of justice over a part of the precincts, and a share of the civil jurisdiction within the walls, were given to the count; the bishop retained the supreme power in criminal cases, the right of issuing ordinances and proclamations, the custody of the keys, and all the police of the city.* In this act, which did

Prince of Salerno: Archives of the Hôtel de Ville of Gap. (*Livre Rouge*, p. 175.)

* "Dudum inter venerabilem patrem dominum Gauffredum,

away with the last existing remains of the consular government, an indemnity was stipulated for in behalf of the chapter of the cathedral, in compensation for the advantages which they had till then derived from the election of one of its members as consul, on each renewal of the consulate.*

Every seigniory divided between two seigneurs had a tendency, from the natural course of things, to become concentrated in the hands of the one who was nearest, and to be merely nominal in the case of the other, however powerful he might be in other respects. This change was experienced in less than half a century in

Dei gratia episcopum, et capitulum Vapinci ac universitatem hominum de Vapinco ex parte una, et egregium virum dominum Joannem magnifici viri Humberti Dalphini Viennensis, comitis Albonis, dominique de Turre primogenitum, Vapincesii comitem ex altera; super consolatu civitatis Vapincensis et ejus jurisdictione, necnon et super medietate territorii Montis-Alquerii olim ad consolatum ipsum, sicut dicitur, pertinente...suscitatis quæstionibus variis et diversis." (Sentence of arbitration delivered September 5th, 1300, *Hist. de Dauphiné*, by Valbonnais, t. i., preuves, p. 53.)

* "Ad hæc, cum de capitulo ecclesiæ Vapincensis semper unus canonicus eligeretur in consulem annis singulis ab antiquo, ne ipsum capitulum, quod absque sua culpa ex ipsius consulatus depressione suum perdit honorem, commodo privetur omnino, mandamus, ut in hujusmodi recompensationem honoris, prædictus dominus episcopus triginta solidos turonenses in annuis redditibus, et præfatus dominus comes totidem eidem capitulo in sufficientibus et idoneis possessionibus sive feudis assignent." (Sentence of arbitration delivered the 5th September, 1300, *Hist. de Dauphiné*, by Valbonnais, t. i., preuves, p. 54.)

regard to the government of Gap, and that city fell again, as formerly, under one effective domination, namely, that of its bishop. But the municipal right of early times no longer existed to serve as a check to the seigneurial authority; the city had renounced it, of its own accord, when it adopted the consular form of government, and now, when it demanded again the advantage of the traditional government, it was resolutely refused. This was the cause of new troubles, but before the war broke out between the citizens and the bishop mediators interposed, and decided in favour of their demand for their immemorial franchises. In 1378 the bishop, Jacques Artaud, found himself compelled to accept, whether he would or not, a decision of arbitration, by which he was obliged to allow, in writing, the ancient customs of the city, and to promise the observance of them under authority of law for himself and his successors.* The deed, which was

* Among these umpires, four in number, were three ecclesiastics and one civilian: *Videlicet in reverendum patrem in Christo fratrem Borelli, inquisitorem, ac venerabiles viros dominos Stephanum de Gimonte canonicum Vapincensem, Petrum Torchati, capellanum domini nostri Pape canonicum sistaricensem officialem Vapincensem et nobilem Jacobum de Sancto-Germano jurisperitum....* (Agreement of May 7, 1378, between the bishop, Jacques Artaud, of Montauban, and the city of Gap; Archives of the Hôtel de Ville, the original in parchment, and the copy in the red book.) "Inter alia sententialiter ordinaverunt, pronuntiaverunt et arbitrati fuerunt quod dictus dominus episcopus ante omnia super libertatibus, immunitatibus, privilegiis, exemptionibus, franchesiis atque consue-

solemnly prepared, became the great charter of the city of Gap; but, differently from those of Vienne, Valence, and Die, quoted above, this charter had less the character of a pure and simple declaration of rights than of a party transaction. Previously to the twelfth century the municipal rights of Gap were, beyond doubt, identical with those of the neighbouring cities; but in the compilation of 1378 they are dissimilar and inferior on two fundamental points: the elections, when made by the city, required the confirmation of the episcopal judge, and the superintendence of the duty of the urban guard belonged to the officers of the bishop.* In every other respect the charter of Gap is

tudinibus quantum cum Deo sibi esset possibile recognosceret bonam fidem. . . . . Quas quidem libertates, exemptiones, immunitates atque franchesias sic exacto multo tempore recollectas, examinatas et discussas et in scriptis redactas dictus dominus episcopus ibidem obtulit dicens asserens suo medio juramento secundum Deum et conscienciam suam fideliter et integraliter eas et ea recollexisse et examinasse et in scriptis nunc per eum oblatis redigi fecisse. . . . . Volentes et decernentes sub pena centum marcharum in compromisso et sententia compromissi contenta quod inter partes prædictas et eorum quoscumque in perpetuum successores de cetero vim, robur, auctoritatem efficacissimam habeant et deinceps habeant vim et nomen statuti intransgressibilis." (Ibid.)

* "Quod dicti cives possunt et consueverunt se in unum, tempore et locis idoneis, congregare et ibidem facere, creare et constituere procuratores et sindicos pro eorum negociis exercendis . . . . nec non operarios pro fortificatione civitatis consiliarios et prosequutores suarum libertatum, concilia facere, et tallias facere, et indicere pro suis negociis utiliter procurandis et exercendis . . . . dum tamen in confirmatione sindicorum

almost the same as the statutes with which we are concerned. With regard to the titles of the municipal magistrates, this charter only grants those of *procureurs, syndics, and counsellors*; the title of consul seems purposely omitted as unsuitable, from the nature of its origin, and as expressive of rights and powers which were no longer in existence; but it was retained in practice, and even reappeared in the fifteenth century in the wording of the official acts.

At Embrun, as at Gap, the consular government was established in its full extent at the beginning of the thirteenth century. The citizens maintained, in defence of this revolution against their two seigneurs, the Dauphin and the archbishop, unsuccessful wars, which were only brought to a conclusion by the surrender of all the liberties which they had recently acquired.* The consulate of Embrun, similar, as it seems, to that of Gap in its constitutional prerogatives, had a shorter duration; it was abolished in 1257, and since that period nothing is seen in its place but a civic body, without

interveniat judicis decretum." (Agreement of May 7, between the bishop, Jacques Artaud, of Montauban, and the city of Gap, art. 31 and 32). "Item, quandoquidem cives vel incolæ dictæ civitatis per conrearium vel quoscumque domini mandantur pro faciendis excubiis quæ vulgariter nuncupantur sercha et non veniunt seu deficiunt quod non possit ab ipsis exigi nisi una parperholla loco pene." (Ibid. art. 12.)

* See the *Hist. Générale de Dauphiné*, by Chorier, t. ii., pp. 114, 115, 116, 137, and 138.

jurisdiction, and subject, in all its acts, to the control of the seigneurial officers. If the title of consul is still found, it is but a form without value, consecrated by the popular regret. Besides, as we have already seen, the municipal vanity was sufficient to introduce this title into cities where the consulate, properly so called, never existed for a single day.* It is thus found at Grenoble, which may be reckoned the least free of all the cities of Dauphiny, and placed at an early period under the double seigniory of the Dauphin and its bishop, was either more effectually restrained, or more resigned to its fate than the other cities, and was satisfied with the recognition of its traditional immunities as its only statute, without any guarantees being given for the precise form of its municipal organisation.†

* The towns of Provence and Languedoc had the honour of being legally authorised to change the name of their syndics into that of consuls; some claims to that effect were made up to the eighteenth century.

† "Quod omnes homines nunc et in posterum in civitate Gratianopoli habitantes, vel in suburbiis ejusdem civitatis; videlicet in burgo ultra pontem sito in parochia sancti Laurentii, plena gaudeant libertate, quantum ad tallias, exactiones et complaintas, salvis nobis et retentis bannis et justitiis nostris et censibus." . . . . . (Libertates concessæ civibus Gratianopolitanis per episcopum et Guigonem Dalphinum dominos ejusdem civitatis, 1244; *Hist. de Dauphiné*, by Valbonnais, t. i., preuves, p. 22.) The only mention of the municipality which is in this charter of Grenoble is the following: *Ea vero quæ concessimus rectoribus et univer-*

I have enlarged upon the cities of Lyonnais and Dauphiny, because their history may throw light upon that of the ancient cities, not only of the south, but also of the centre and the north of France. Their statutes and their charters of privileges are the only authentic proofs, the only monuments which remain to us, of a municipal right prior to the great renovation of the twelfth century. In the case of other cities, we discover the continuance of the urban administration from the Roman times, whether these cities, undergoing a regeneration at the period of the twelfth or thirteenth centuries, adopted the government of the consulate, or that of the *commune jurée*, or whether they then escaped all constitutional reform: but it is a fact which presents nothing definite, and is only proved by inference. We perceive the trace of an immemorial government, but it is impossible to ascertain either the extent of the powers of this government, or the extent of the civil and political rights of the citizens. In fine, what is clear in the case of Lyons, Vienne, Valence, and Die, is involved in greater or less obscurity in the case of Marseilles, Arles, Nîmes, Toulouse, Limoges, Tours, Angers, Chartres, Paris, Rheims, Amiens, Beauvais, and all the cities of the same origin. I do not mean to say, that we can here draw the inference in a positive manner, and conclude, for instance, that the immunity

*sitati ejusdem civitatis, sicut continetur in litteris quas eis tradidimus nostrorum sigillorum impressione sigillatis, in sua permaneant firmitate.* (Ibid. p. 23.)

from taxes to the *seigneur*, which was enjoyed by Lyons and almost all the cities of Dauphiny, was common to the towns of the other parts of Gaul; but, as far as liberty of person and property is concerned, we can affirm, in the absence of proof to the contrary, that it was, before the municipal revolution of the twelfth century, the right of the metropolitan or episcopal cities of France. This revolution, which gave them on one side the consulate, and on the other the *commune jurée*, found them, in respect of civil rights, at the same point as a quarter of a century before the consular reform which arose in Italy had found the cities of Tuscany, Lombardy, and Piedmont.*

The establishment of magistrates, named consuls, and invested with the whole powers of government, put an end, in the Italian cities, to the seigniory exercised by the bishops in the character of imperial vassals.† Such was the simple and unique character of this revolution when it overflowed into Gaul. When it spread on this side the Alps, it was followed by new and dif-

* See the collection published by Count César Balbo, entitled: *Opuscoli per Servire alla Storia delle Città e dei Communi d'Italia*, Turin, 1838.

† In the collection of Count César Balbo, see the remarkable memoir composed by him, under the title of *Appunti per la Storia delle Città Italiane fino all' Istituzione de' Communi e de' Consoli*, p. 82 and following. What is here said has reference only to the early times of the Italian consulate; I have no concern here with the later struggles against the military nobility.

ferent consequences, because the condition of the cities, in which its influence was felt, was not the same as in Italy, and varied according to different countries. As feudalism was then prevailing over the territory of Gaul in its full force and development, the ancient towns were subjected to different kinds of *seigneuries;* some to that of their bishop; others to that of families of greater or less power; others, lastly, to a dominion divided between two or even three *seigneurs.* Thence it occurred that the consular revolution introduced into Southern Gaul was at war, not simply as in the Italian cities, with the temporal power of the bishop, but sometimes with this power, and sometimes with secular *seigneurs:* there were instances in which the bishop, far from resisting it, favoured it with his connivance and support. In the second place, in the provinces of the north, where the urban population had less generally preserved its liberty from the Roman times, the municipal regeneration, effected no longer under the Italian form of the consulate, but under the native form of the *commune jurée,* assumed a double character,—that of instituting political liberties for those who were already civilly free, and that of enfranchising those who were demi-serfs, or in complete servitude.

In this way the communal revolution, one of the results of the shock produced by the struggle of the Papacy with the Empire, was altogether political in Italy; in France, it was at once political and civil, or, to speak more accurately, political in its principle and

in the movement of opinion which it propagated, it led to instantaneous consequences on the purely civil government. We have evidence which results from the facts themselves, and which can be shaken by no objection drawn from the nature of such or such a sentiment, which is implied by them, but which persons will not allow, because it appears too ancient or too modern for those who lived in the twelfth century. As to those who maintain that the idea of independence and civic devotion is a pure anachronism in the history of the French communes, I ask them to what category of sentiments and ideas they refer these formulas of the municipal law of Saint-Quentin :—

" Common assistance, common counsel, common detention, and common defence, were sworn by each to his confederate.

" We have resolved that whoever shall enter into our commune, and shall aid us with his means, whether in case of flight, or fear of enemies, or from some offence, which may be unpremeditated, shall be free to enter into the commune, for the gate is open to all; and if his *seigneur* shall have unjustly detained his property, and shall continue to do so, we will execute justice.

" And if it happen that the *seigneur* of the commune have a castle within the borough, or within the town, and desire to make wards there, the wards shall belong to the commune at the will, and by the permission, of the mayor and *échevins*, for none shall be permitted to the injury of the *bourgeois*.

The *bourgeois* of Saint-Quentin owe no kind of military service to their *seigneur*, nor can they be summoned together for the purpose of paying him dues; but if any choose to give him anything of his own accord, when requested by the *seigneur*, it will be considered as of free will.*

* Note of the *Establissements* of the commune of Saint-Quentin, compiled for the benefit of the commune of Eu: Archives of the *Mairie* of Eu. (*Livre Rouge.*)

# SECOND FRAGMENT.

## MONOGRAPHY OF THE COMMUNAL CONSTITUTION OF AMIENS.

## SECTION I.

### INTRODUCTION; TIMES PRIOR TO THE TWELFTH CENTURY.*

THE name of Amiens, at the period when Cæsar effected the conquest of Gaul, was *Samarobriva,* which means, the bridge over the Somme.† It was the capital of the *Ambiani,* one of the tribes of the great family of the Gallic race, who, under the name of Belgi, inhabited the north of the country from the Rhine, as far as the Marne and the Seine. When it became necessary to repel the Roman invasion, the *Ambiani* joined with the people of their own origin, and furnished, in the year 57 before our era, a contingent of 10,000 men to the army which was raised by the confederation of the Belgi. But Cæsar triumphed over that powerful league; he

* *Recueil des Monuments inédits de l'Histoire du Tiers Etat,* t. i., from p. 1 to p. 25.

† The ancient name of the river, *Samarus* or *Samara,* was changed, about the sixth century, to that of *Sumina* or *Somena,* later, by contraction, *Sumna* or *Somma,* from which comes the present name Somme. (See *Hadriani Valesii Notit. Galliar.*, pp. 15 and 539.)

distributed his troops through the villages and on the territory of the Belgi; and, on several occasions, legions were cantoned at *Samarobriva.* Such are the earliest historical notices which relate to the city of Amiens.

It is well known how the conquest of Gaul was effected by the Romans in ten years. The country remained so completely subdued and tranquillised, that, scarcely half a century after the death of Cæsar, the Emperor Augustus was able to comprise it in the provinces of the empire. At that time the *Ambiani* and their capital were placed in the province which bore the name of Second Belgium. From that period *Samarobriva* continued subjected to the system of government and to the laws which regulated, in an uniform manner, the various parts of Europe. Placed in dependence on and under the jurisdiction of an imperial officer, it enjoyed, nevertheless, a considerable share in the affairs of its own immediate government; and, like all the cities into which the Roman municipal government was introduced, it possessed a body of magistracy and an urban administration, a senate charged with the management of the police and local affairs, and invested in certain cases, provided for and defined, by the supreme authority, with the right of administering justice, and the enactment of the laws.

*Samarobriva Ambianorum,* as it was called, by joining the name of the people, of whom it was the ancient capital, to that of the city itself, attained, under the Roman dominion, a high degree of prosperity; it was then en-

larged and embellished to such an extent, that already, towards the end of the fourth century of our era, the historian, Ammianus Marcellinus, called it a city eminent among others.* Situated on one of the great Roman roads which traversed the whole length of Gaul, it was, besides, as the Itinerary of Antoninus seems to indicate, the point of junction of many routes of secondary importance which led to Beauvais, Noyon, Soissons, and other neighbouring cities.† It, no doubt, owed a part of its importance to a position so favourable to commerce. From the reign of Augustus down to the fall of the empire numerous edifices were seen to rise within its walls; it possessed a palace in which the imperial magistrate resided, an amphitheatre, temples, and an important manufactory of arms.‡ It is known, by the official statement which was prepared about the year 437, that the emperors had established in Gaul eight establishments for the manufacture of arms of every kind, and that the establishment at Amiens had to supply the Roman soldiers with swords and shields.§ The name of *Samarobriva* fell out of use in the latter days of the empire, and that of Ambiani alone remained

* Ambiani urbs, inter alias, eminens. (*Ammiani Marcell.* lib. xv., *apud Script. Rer. Gallic. et Francic.*, t. i., p. 546.)

† See the *Itinerarium Antonini Augusti, apud Script. Rer. Gallic. et Francic.*, t. i., pp. 106 and 107.

‡ *Hadr. Vales. Notit. Galliar.*, p. 539.

§ Ambianensis (fabrica) spataria et scutaria. (*Notitia imperii dignitatum per Gallias, apud Script. Rer. Gallic. et Francic.*, t. i., p. 126.)

as the designation of the city; at a later period it was replaced, in all instances, by the barbarism *Ambianus*, which, being contracted and softened in the Romant language, gave rise to the modern name of Amiens.*

The establishment of Christianity and of an episcopal see at Amiens dates from the end of the third century of our era. It was between 260 and 303, A.D., that Firminus, St. Firmin, a native of Pampeluna, taught the new faith in the city, and there suffered martyrdom.† He is recorded by the church as the first bishop of Amiens. It will be seen by this date, that at the very time when St. Firmin was condemned to death under the imperial laws, Christianity was on the point of triumphing, and becoming the religion of the empire.

In the year 406, when the Alans, Suevi, Vandals, and Burgundians, forcing the boundary of the Rhine, invaded Gaul and overran it from north to south, the city of Amiens bore her part of the miseries which poured upon the country, and was unable to escape the devastations of the barbarians. It is comprised by St. Jerome in the number of the cities which had to undergo the disasters of that great invasion.‡ It appears, however, that it quickly repaired its losses, for about 437, A.D., as the *Notice de l'Empire*

* *V. Hadri. Vales. Notit. Galliarum*, p. 15.

† *Gallia Christiana*, t. x., col. 1150.

‡ "Remorum urbs præpotens, Ambiani, Atrebatæ, extremique hominum Morini, Tornacus, Nemetæ, Argentoratus translati

indicates, it still held a distinguished position among the cities subject to the Roman dominion.

Amiens had soon to feel the effects of an invasion, not sudden and transient like the first, but lasting, and destined to exercise a permanent influence upon its internal condition. From the year 428 the Franks, some tribes of whom had already settled on this side the Rhine, within the territory of the empire, had made incursions under the guidance of Chlodio, one of their chiefs or kings, as far as the Somme, but they had been repulsed by Aetius. It does not appear that the kings Merovig and Childeric, the last of whom was master of Tournay and Cambray, repeated the attempts of Chlodio. It was not till the end of the fifth century that the city of Amiens was subjected to the Franks. We may give the year 486 as the exact date when Clodovig, the king of the Salic Franks, in a battle fought under the walls of Soissons, defeated Siagrius, the last Roman who had the government of a portion of the Gallic territory. It was after this victory that the Franks advanced as far as the Seine, and a little after as far as the Loire, and that they took—never to abandon it again—the countries of Gaul situated to the north of the two rivers.

Amiens shared, like all the Gallic cities, in the great revolution which was effected in the Roman municipal system after the fall of the empire. The government

in Germaniam." (*Hieronymi Epist., apud Script. Rer. Gallic. et Francic.*, t. i., p. 744.)

of cities under the Roman dominion consisted, as is known, of three distinct departments :—

1. The internal and local administration of the city;

2. The jurisdiction in matters under litigation, or of the civil tribunals, and the criminal jurisdiction;

3. The voluntary jurisdiction, analogous to that which the notaries, and, in certain cases, the magistrates (*juges de paix*), exercise in France in our own times.*

The central government had left the internal administration, the voluntary jurisdiction, and that which we now call the correctional police, to the cities. It reserved to itself the criminal jurisdiction, and that of the civil tribunals. By the simple fact of the dissolution of the empire, the municipal magistrates of Amiens, and of other cities of Gaul, found themselves suddenly invested with an authority which they had never possessed till then. The members of the senate preserved their ancient prerogatives; but, at the same time, they filled certain posts which the retreat of the imperial officers left vacant, and exercised to a greater or less extent, according to the necessity of the case, the criminal and civil jurisdiction.

At the same period considerable changes were made in the appointments to the urban magistracy. The staff of the ancient senate was broken up, the municipal body was formed of all the notable citizens, whatever

* See the account given by M. Pardessus, in the *Journal des Savants* (1840, p. 105), of the *Histoire du Droit Romain au Moyen Age*, by M. de Savigny.

might be their title, and the members of the clergy were admitted together with the laity. The bishop directly interfered, legally, if we may so say, in the government and administration of the city. Up to that time he had possessed nothing but a purely moral ascendancy over his fellow-citizens, and this he owed entirely to his episcopal functions and to the sacred character with which he was invested. The Roman law made him, in addition, a sort of magistrate, with the right of arranging differences, and terminating proceedings which were submitted to him.* After the dissolution of the Roman government he became, by his ecclesiastical pre-eminence, which he owed to popular election, member and president of the municipal body. Invested at once with a double authority, spiritual and temporal, he henceforth found himself placed as bishop and magistrate, in the first rank in the city, and possessing in all its affairs the chief share of influence. We are not here reduced to simple conjectures, we have a written authority, which, in regard to the second half of the seventh century, confirms what we have just advanced.

"Salvius," says a hagiographer, "was elected by the choice of the people, and appointed by God to fill the episcopal see; he was called by the people to the order of the magistracy, and crowned by God with the honour

* "Si qui, ex consensu, apud sacræ legis antistitem litigare voluerint, non vetabuntur, sed experientur illius, in civili duntaxat negocio more arbitri sponte residenti judicium." (Cod. lib. i., tit. iv., *de Episcopali Audientia*, const. Arcad. et Honor. impp. [398].)

of the apostolate."* Brief as is this passage, a threefold conclusion may be drawn from it :—

1. In the seventh century the people took part in the election of the bishop.

2. They nominated the municipal magistrates.

3. The bishop formed part of the urban magistracy, who acted as governors and judges in the city.

Such were the changes necessary, and in some sort spontaneous, which the municipal system of Amiens underwent, like that of other cities of Gaul, after the fall of the Roman empire, and the establishment of the German supremacy. It is our present task to examine what influence the political organisation of the German conquerors, and especially that of the Franks, exercised on that system.

The Merovingian kings established, in every important city throughout the whole territory which they had conquered, persons to whom they delegated their authority; who, under the designation of counts, exercised the high office of judges and civil and military governors. It is difficult to mark with accuracy the limit which separated, in the internal government of the city, the action and the power of the count from that assigned by the law, or lapsed through the neces-

* "Fuit quidem electus a plebe Ambianensium, et a Deo donatus in sede sacerdotum, fuit vocatus a populo in ordine magistratus et coronatus a Deo in honore apostolatus." (Vita S. Salvii Ambian. Episc. [anno 686], apud Bolland. Acta SS. Januarii, t. i., p. 706.—Gall. Christ., t. x., col. 1153 et seq.)

sity of circumstances to the senate, the *defenseur*, or the bishop.* We can, however, assert that the presence and establishment of these royal officers did not, by any means, cause the disappearance of the municipal institutions. The counts, as the contemporary documents prove, received the power of raising taxes and of presiding at the assemblies; or, according to the German custom, the principal freemen of the district sat as judges in criminal matters, and exercised jurisdiction in civil cases, as well as in those voluntarily referred to arbitration. In the rural districts these principal freemen, these valid sureties, *Rekin-burghe*, as it is expressed in the Teutonic language,† were men of Frankish origin; but in the city, the abode of Gallo-Roman families, but where the rich Franks no longer dwelt, the notables, who were convoked by the count to act as judges in civil and criminal cases under his presidency, occupied the position of the senate itself, excepting its hereditary constitution, and the fixed number of its members.

* Defensor civitatis, plebis, loci. For information on the province of this municipal magistrate in the Roman times, and under the Frank domination, see Cod. Theod. lib. i., *de defensoribus*, sect. i. 55.—Novel. Majorian. 5.—Marculfi formul. et var. formul., apud Script. Rer. Gallic. et Francic., t. iv., p. 465 et seq.

† *Rek*, *rik*, strong, powerful; *burg*, *borg*, bail, surety. This designation occupies a prominent place in the acts of Frankish Gaul, in which we find the words *rachimburgii*, *regimburgi*, *recineburgi*. *V. Script. Rer. Gallic. et Francic.*, t. iv., passim.

Thus the enlargement of the municipal jurisdiction, which was necessarily brought about by the dissolution of the Roman government, was sanctioned and regulated under new forms by the German institution of the *Mâl*, or the judicial assembly.* A multitude, moreover, of acts and formularies proves that the urban magistracy did not cease during the Merovingian period, and even later, to exercise to their full extent the powers which it had enjoyed in the Roman times. It preserved the internal and local administration; it exercised the voluntary jurisdiction; and the acts of this jurisdiction—enfranchisements, adoptions, legitimations, grants, deliveries of goods sold, admission of wills, &c., when they were made and passed in the absence of the royal officers—did not lose their value or their authenticity. Lastly, when the count came to take his place as president, in the assemblies of justice, where judgment was to be pronounced on some crime or proceeding, he derogated nothing from the powers of the notables, *Rachimburgii*, who sat in the court by his presence; the notables decided on the case and on the law. The count had only to ascertain their opinions

* We read the following passage in the life of St. Valery:—*Advenientes vero ad quemdam locum Ambianensem perveniunt Gualiniago, ubi quidam comes nomine Sigobardus, juxta morem seculi, concioni præsidebat, quod rustici* MALLUM *vocant.*" (Vita *S. Walarici, apud Script. Rer. Gallic. et Francic.*, t. iii., p. 496. —*V. Pactum Legis Salicæ et Legem Ripuariorum*, Ibid., t. iv., p. 420 et seq.)

and to ratify the verdict; and when the *Mâl* was held in a city, in spite of this new name, which passed from the language of the barbarian laws into the wording of the acts which were drawn up according to the Roman law, it was the municipal body which, maintaining its existence, although beneath the dress, as it were, of the German institution, exercised in the presence and under the sanction of the count the criminal and civil jurisdiction.*

It frequently happened, as is well known, that the Frank counts trammelled, by acts of brutal violence, the legal exercise of the judicial power, with the maintenance and guardianship of which they were intrusted: it also happened that the Frank kings imposed bishops of their own appointment on the cities, or interfered in the episcopal elections, in spite of the protests of the clergy and citizens. But it may be asserted, in general, that in Amiens, and in other cities, the kings and counts, during the Merovingian dynasty, allowed the various prerogatives of the ancient municipal law to exist in their full extent.

* Curia: *Mahal* (Rhabani Mauri Glossarium apud Eckhart *de Rebus Franciæ Oriental.* t. ii., p. 956.) There is still an act of voluntary jurisdiction in existence, which was passed about the year 850, by the Assembly of Notables of the city of Amiens; it is a grant made by one Angilguin to the Cathedral Church of St. Firmin; the act concludes with these words: *Actum Ambianis civitate in mallo publico.* (See Du Cange, *Histoire des Comtes d'Amiens*, edited by M. Hardouin, p. 28 and following, in the notes.)

It is a circumstance which here deserves remark, that Amiens, in the Merovingian and Carlovingian periods, was one of the richest and most flourishing cities in Gaul. It owed a great part of its importance and prosperity to the commerce which was carried on along the Somme, and of which it was the mart. In 779, Charlemagne granted to the Abbey of Saint-Germain-des-Prés an exemption from all the dues which were demanded at Amiens, and in many ports and places of commerce, on merchandise of every kind. The cities and places named in the deed of grant are those which still, at a later period, as well as in those days, formed the medium of almost all the import trade into the north-west provinces of Gaul. They are, Rouen, the port of Étaples, the ancient *Portus Icius*, in Boulonnais, Utrecht, Pont-Sainte-Maxence, Paris, Troyes, and Sens.* The deed of grant of Charlemagne, compared with other documents of a later date, is of great importance in regard to the history of Amiens. It goes to prove that

* "Propterea per presentem preceptum decernimus, quod perpetualiter mansurum esse jubemus, ut per ullos portos neque per civitates tam in Rodomo quam et in Wicus, neque in Ambianis, neque in Trejecto, neque in Dorstadæ, neque per omnes portos ad sanctam Maxantiam, neque alicubi, neque in Parisiaco, neque in Ambianis, neque in Burgundia, in pago Trigasino, neque in Senonico, per omnes civitates similiter, ubicumque in regna, proposito Christo, nostra, aut pagis vel territoriis theloneus exigatur . . . . Data VI kal. Aprilis, anno XI et V regni nostri. Actum Haristalio palacio publico." (*Preceptum Caroli magni apud Script. Rer. Gallic. et Francic.*, t. v., p. 742.—*V. Hadr. Vales. Notit. Galliar.*, pp. 249 and 256.)

under the kings of the two first races, as in the succeeding periods of the middle ages, this city was one of the grand centres of commerce in the north of France, into which the merchandise of all countries then flowed.*

From the seventh to the middle of the tenth century we have no document to supply the least particular relative to the municipal organisation of Amiens. Among the general facts, however, which took place during this period, there is one which we ought to point out, for it introduced an important modification into the municipal constitution, not of Amiens in particular, but of all the cities of Gaul: we mean the institution of the *Scabinat*. Charlemagne, depending upon the recollections and the remains of the ancient civilisation, had tried to form a new Roman empire out of his vast territories. The principal means of attaining the accomplishment of such a design was necessarily by

* Under the two first races, as at the period of the Roman domination, there was a mint at Amiens. Golden pieces of a third of a sou value were coined in the Merovingian times, bearing the names of different masters of the mint. *Deniers* of the time of Charlemagne have these words on one side: *Karol. rex*, and on the reverse, *S. Firmini*. This last inscription is explained by the veneration paid by the inhabitants of Amiens to the memory of their first bishop. Other coins of Charlemagne, as king, preserved in the collection of Doctor Rigollot, have on one side *Carlus*, and on the other *Ambianis*. A coin struck in the reign of Charles le Chauve has,—*Ambianis civitas*, and the monogram of this prince. (See Du Cange, *Histoire des Comtes d'Amiens*, edited by M. Hardouin, pp. 24, 25, and 361.)

establishing, as far as the confusion of the social elements at that period permitted, regularity and unity of administration: the first Frank emperor attempted this by ably originating reforms in all the branches of the government. One of his great measures for the public order was to model the judicial institutions upon a new plan, and to make provision for the regular administration of justice, which the law, as well as custom, left to the voluntary services of freemen, who were convoked by the count to the *Mâl*, or court of the district. He created a body of regular judges, under the German name of *Skapene* or *Skafene*, in the Latin acts, *Scabini*, *Scabinei*. These judges were to be chosen, both in the cities and districts of the open country, by the count of the place, the imperial commissioners, or *missi dominici*, and the people.* Under this last class was comprised, in the rural districts, the whole body of those who were freemen according to the German law, and, in the cities, the whole body of those who were citizens according to the Roman law.

In this manner the judicial revolution effected by

* The words *skapene*, *skafene*, alias *skepene*, *skefene*, are derived from the Teutonic word *skapan* or *skafan*, which signifies to dispose, to order, to judge. (See Grimm, *Antiquités du Droit Germanique*, § 7, p. 778.)—Ut judices . . . . scabinei boni et veraces et mansueti, cum comite et populo, eligantur et constituantur. (*Capitular*.i., an. 809, art. 22, *apud Script. Rer. Gallic. et Francic.*, t. v., p. 680.)—Ut missi nostri, ubicumque malos scabineos inveniunt, ejiciant et, totius populi consensu, in loco eorum bonos eligant. (*Capitular. Wormatiense*, an. 829, art. 11, ibid., t. vi., p. 441.)

Charlemagne gave an entirely new right to the inhabitants of the cities, namely, that of appointing judges conjointly with the count, who, up to that time, had been sole judge, as recognised and qualified by the laws of the Frank monarchy. This order of things, which substituted the *Scabins*, or judges elected by the count and the people, in the place of the ancient judges of the senate, produced a revolution in the municipal government; but the change did not so much affect the substance as the form of the urban constitutions. The new magistrates were taken from among those who had the right of sitting as judges in the courts of the preceding period, from among those who were members of the body which, from time immemorial, conducted all the affairs of the city, and thence, in after times, was derived the tradition which attached to the Roman office* of *Eskevins* or *Eschevins* the double meaning of governors and judges.

The facts, I repeat, which have been transmitted to us as having taken place in the city of Amiens during the period which extends from the seventh to the middle of the tenth century, belong entirely to general history. The chroniclers recount nothing at length but the calamities which befell that city up to the period of the dissolution of the Carlovingian empire; they are, on the one hand, the invasions of the Northmen, which followed one another without intermission, year after year, from 859 to 926; on the other, the

* The office, Roman; the name, Teutonic.—*Translator's note.*

wars of the *seigneurs*, who, freed from all superior authority by the fall of the empire and the weakness of the royal power, contested among themselves the possession of its fortifications and territory. But there is an episode in these wars of which account must be taken, for it shows in favour of the citizens, that their right of taking part in the elections of the bishops, one of the privileges derived from their ancient Roman constitution, still existed to the middle of the tenth century as three hundred years earlier, in the days of Bishop Salvius.

In 946 Derold, the bishop, died; the inhabitants of Amiens chose and appointed as his successor to the vacant see a monk of Saint-Waast, by name Raimbaud. The election was regular; it was annulled by force. In 947 Hugo, count of Paris, came to Amiens, drove Raimbaud away, and installed Tetbaud, one of the clergy of Soissons, as bishop, in his place. But the intruder did not remain long in peaceable possession of the episcopal chair; he was driven away in his turn, and excommunicated. In 949 Arnulf, count of Flanders, marched upon Amiens, and, aided by some of the inhabitants, made himself master of the city; he brought back Raimbaud, the elected bishop, and put him in possession of the dignity which he held by the popular choice.* Thus, in the middle of the tenth century,

* "Ambianenses Tetbaldum, quem eis Hugo constituerat, episcopum, exosi, castrum Arnulfo comiti produnt, qui advocans regem Ludovicum, oppidum ipsum cepit, Tetbaldum

the inhabitants of Amiens. took part with the clergy in the election of their bishops. This right was never disputed; documents of a different kind prove that they exercised it during the whole course of the eleventh century, and that they still did so in the following, till the period when their municipal existence was formed afresh by a revolution, and took an entirely new shape, under the celebrated name of *Commune*.*

The right of appointing *scabins*, or elected judges, which the laws of the Carlovingian empire had conjointly assigned to the count and the freemen in each administrative division (*circonscription*), was entirely usurped during the lengthened confusion which accompanied the dissolution of the empire by the counts, and became one of the foundations of that local sovereignty which they claimed. It does not appear that, in the rural divisions, where all had been organised after the

expulit, Regembaldum illuc Atrebatensem quemdam monachum quem iidem Ambianenses prius sibi delegerant, introduxit: quique Remos a rege perductus, ordinatur episcopus ab Artaldo archiepiscopo." (*Chron. Frodoardi*, apud Script. Rer. Gallic. et Francic., t. viii., p. 205.—Ibid., pp. 175, 201.)

* *Epistola Urbani Papæ II. ad clerum et populum Ambianensem*, apud Script. Rer. Gallic. et Francic., t. xiv., p. 700.—"Concilium ipsum Trecense, anno 1104, electionem olim confirmaverat viri sanctissimi Goffridi episcopi Ambianensis, quod *unanimiter a clero et populo electus fuisset, rege quoque assentiente.*" (Thomassin, *Vetus Ecclesiæ Disciplina*, t. ii., p. 91.)—"Clerus autem et populus . . . eo absente [Godefrido], super altero eligendo, non sine magna ipsius aspernatione, non sategit." (*Guiberti Abbat. de Novigento, de Vita Sua*, lib. iii., sub an. 1115, inter opera ejus omnia, p. 516, ed. Dachery.)

German manners and customs, the encroachment on the right of the freemen had been the object of a strong resistance; but, in the cities, it gave rise to a long struggle between the *seigneurial* power, on the one hand, and, on the other, between the urban corporation, which, under different names, and with different degrees of administrative and judicial power, had succeeded to the senate of the Roman times. This struggle, in which all the cities of Gaul, without exception, were forced to yield, although in a very unequal manner, fills up the space of the tenth and eleventh centuries in their history. It is the period of decline and ruin for the municipal institutions; its prevailing character consists in the dissolution of the body of judges, which may now be called *échevins,* in the replacing of those judges by the vassals of the count, peers of the *seigneurial* court, in the infeudation of both the judicial and administrative appointments. These changes were everywhere coincident, though in different degrees, with the forgetfulness of the traditions of civil life, the encroachment of the barbarian manners and customs, the abandonment of the social discipline which the Roman usages had transmitted, and which, although weakened under the Frankish sway, was still preserved within the cities by the continuance of their municipal governments.

The eleventh century witnessed the extreme point of this movement of dissolution of all civil order. We see private wars prevailing—family arrayed against family, and man against man — among the *bourgeois* of the

cities, as among the lords and the vassals; but, at the same period, by a sudden reaction of good sense, of natural equity and recollections of a happier time, the first symptoms of a new desire for order, justice, and peace appeared. Heart and hand were united under the authority of religion to substitute pacific agreements in the place of a brutal vengeance, and submission to sentences both of arbitration and judgment. We are acquainted with the celebrated institutions of the Truce and Peace of God, which were promulgated on several occasions in the course of the century by the bishops assembled in national and provincial councils. It is certain that attempts similar, and entirely spontaneous, took place on a smaller scale, and that associations, bound by oath for the maintenance of the public peace, were formed in some of the small provinces and simple towns. About the year 1025, the inhabitants of Amiens were united to those of Corbie by a treaty of reciprocal peace, not only between these two cities, but between all the persons domiciled within their limits and on their territory. This confederation—like all of the same kind—adopted as its principle the old practice of the confederated association, which, under the name of *Guild*, had been introduced into Gaul by the German populations, and which, after the mixture of races and manners, was preserved, especially in the provinces of the north.* We here present the curious details which a sacred

* *Gilde* or *Gelde* (pronounced *Ghilde* and *Ghelde*) signify in the Teutonic language a feast at the common expense,

writer of the eleventh century has given us of the alliance of Amiens and Corbie, of its character and its object.

The inhabitants of the two cities were associated by the invocation of the saints whose relics they possessed. They determined among themselves to observe perfect peace, that is to say, for all the days of the week;* and having made a promise to meet at Amiens every year on a high festival day, they bound themselves to that engagement by oath. They all swore that, for the future, if a quarrel broke out between two individuals, neither one nor the other should have recourse to pillage or incendiarism; but that they should delay their cause to a stated day, and should then appear before the church, in the presence of the bishop and the count, to plead it, and to close their dispute in a peaceable manner.† The contemporary narrator adds,

association, brotherhood. (See the Glossaries of Ihre, Schertz, and Wachter, on the etymology of this word. On the origin of the Guild, and on its different applications in the middle ages, see the *Considérations sur l'Histoire de France*, placed at the head of the *Récits des Temps Mérovingiens*, chap. vi.)

* Already, by "the Truce or Peace of God," war was allowed to be carried on only from Monday morning to Wednesday night.—*Translator's note.*

† "Ambianenses et Corbeienses cum suis patronis conveniunt, integram pacem, id est totius hebdomadæ, decernunt; et ut per singulos annos ad id confirmandum Ambianis in die festivitatis sancti Firmini redeant, unanimiter Deo repromittunt. Ligant se hujus promissionis voto, votumque religant sacramento. Fuit autem hæc repromissio, ut si qui disceptarent inter se aliquo discidio, non se vindicarent præda aut incendio, donec statuta die ante ecclesiam, coram pontifice et comite,

that these resolutions gave birth to a custom which was long observed by the inhabitants of the two associated cities. Their grand annual meeting took place on the octave of the Rogation days; the relics of the saints were borne in procession; suits were terminated; feuds and differences were appeased; the statutes of the association were read in public, and were confirmed by a fresh oath; speakers addressed the people; and then the proceedings ended. The religious character of this institution was gradually effaced; and, after a time of greater or less duration, it became simply political; the relics of the saints were neglected; and when the day of the great meeting returned, there were amusements and dances instead of processions and prayers. The monks of Corbie and Amiens ceased to take part in these fêtes; but it is probable that the compact of peace between the two cities was maintained by them till the period when a powerful but different application of the federal association caused all the rights and all the guarantees of the municipal system to spring into fresh existence in the north of France, by the institution of the *communes jurées*.*

fieret pacificalis declamatio." (*Miracula S. Adalhardi Abbat. Corbeiensis*, auctore S. Gerardo Abbat. Monast. Silvæ Majoris, apud Script. Rer. Gallic. et Francic., t. x., p. 378.)

* "Adoleverat inter Ambianenses et Corbeienses nova quædam religio, et ex religione pullulaverat consuetudo, quæ etiam reciprocabatur omni anno. Octavis denique Rogationum ab utrisque partibus conveniebatur in unum; ibique conferebantur corpora sanctorum, solvebantur lites, ad pacem revocabantur discordes, mutabantur a populo orandi vices. Decreta utriusque loci renovabantur, populo perorabatur, sicque redi-

The establishment of feudalism had, in a manner, materialised all the political and civil offices. The division of the social powers and administrative prerogatives had been transformed by it into a division of territorial domains, of every description and of every size, to each of which a larger or smaller share of sovereignty and jurisdiction was inseparably attached. At Amiens the division of the territory, and, by consequence, that of the political and judicial power, was effected in a very unequal manner between the two ancient heads of the city, the count and the bishop. The lordship of the count extended over the city and its precincts; that of the bishop, although he was lord paramount, was restricted to the peculiar domains of his church, both within and without the city. The jurisdiction of the count was held to be general; that of the bishop was in its nature special, and was, as it were, enclosed within the other. By the documents of the eleventh century, the district of the bishop of Amiens, as a feudal tenure, seems to have been confined within these narrow limits; but his authority seems still to have preserved some connexion with the ancient civil tradition and the general interests of the city. From time to time the title of administrator of the public weal of Amiens appears in the episcopal charters,

batur. Sed procedente tempore cœpit aliquando res ipsa usu vilescere, et inreverentia fieri ex multa veneratione. Uterque si quidem sexus cachinnis et lusibus intendere, ordiri choreas, et inreverenter agere; et sic pene omnes corpora sanctorum negligere. Displicuit res illa bonis et maxime monachis." (*Script. Rer. Gallic. et Francic.*, t. x., p. 378.)

*Procurator rei publicæ Ambianensis,* a title which is derived from the recollections of the municipal constitutions prior to the tenth century.*

The recollections of the time when the crown was the only supreme power were likewise attached to a portion of the city; the smallest, indeed, of all the buildings and dependencies of the ancient citadel, a high and strong tower named the *Castillon,* and constructed, according to the antiquaries, on the site of a Roman palace.† The court of the Castillon, and the lands which bordered on it from the city-wall to the Somme, belonged to the lordship of the king, and not to that of the count; they were held hereditarily, on the condition of allegiance and homage, by a governor, who exercised a certain jurisdiction within its limits, and who was placed, by the rights attached to his tenure, in the rank of *seigneur,* or, as it is expressed in the ancient documents—*Prince of the city,* after the

* "Gui presul et procurator rei publice Ambianensis, universis filiis adoptionis præsentibus et futuris . . . ." (Charter of the consecration and endowment of the monastery of Saint-Martin-aux-Jumeaux, bearing date 1073. Departmental Archives of Somme, cartulary of the chapter of Notre-Dame of Amiens, No. 1, fol. 195, r°. and v°.) In a charter of the year 1139, the words *presul et procurator totius rei publice Ambianensis* are found. (See Du Cange, *Gloss.,* on the word *procuratores.*)

† Pro muro Castellionis, sic enim vocatur. (Guiberti Abbat. de Novigent., de Vita Sua, lib. iii., inter ejus opera omnia, p. 516.)—*Antiquités de la Ville d'Amiens,* by de la Morlière, liv. i., p. 66.—*Histoire d'Amiens,* by M. Dusevel, t. i., p. 16.

count, the bishop, and the *vidame,** or *lieutenant civil* of the bishop.†

Besides this territorial division, did anything exist in the eleventh century which the corporation of citizens possessed as their own? were there still any remains of communal property in houses and lands, which Amiens, like all the cities of Gaul, had possessed in the Roman times, and of which the right was maintained under the Frankish domination? It is difficult to answer this question positively; but some official acts prove that, in the eleventh century, there still existed at Amiens a sort of municipal council, the organ of the interests and grievances of the city. We find mention made of heads of the city (*Primores urbis*) —men of authority—who had weight of character with the people (*viri authentici habentes in plebe pondus testimonii.*)‡

* Vidame, *i.e.*, Vice domini.—*Translator's note.*

† "Secum duxit Adamum ejus civitatis principem." (*Vita S. Godefridi Episc. Ambian.* sæc. XII., apud Surium, mens. Novemb., p. 220.)—"Et certe Adam regi hominium fecerat." (*Guiberti Abbat. de Novigent., de Vita Sua,* lib. III., sub anno 1113, inter ejus opera omnia, p. 516.) Thus there were four *co-seigneurs.* In a charter of the year 1151, the heir of the ancient governors was entitled, *Ambianis civitatis princeps quartus.* (*Cartul. of Saint-Jean-lez-Amiens,* MS. of the thirteenth century, communicated by Doctor Rigollot, col. 407.)

‡ See the charter granted by Gui, bishop of Amiens, in the years 1058 and 1076, and those of the Counts Gui and Ives granted about the year 1091, *Rec. des Monum. inéd. de l'Hist. du Tiers Etat,* t. i., pp. 18 and 22.

A charter of the year 1091 supplies some valuable information on the state of the city of Amiens in the eleventh century. It proves, first, that the feudal court of the count took the place of the Carlovingian *Scabinat*, the very name of which had disappeared in the administration of justice, both within and without the city; secondly, that the clergy and people of Amiens were united in their remonstrances and protests against the abuses of power—the frauds and extortions of the *seigneurial* judges. The jurisdiction of the count was then exercised by a certain number of knights, who were his vassals, and who owed him, by right of homage for their fiefs, judicial as well as military service. They held the *seigneurial* courts both in the city and on the territories of the county of Amiens, and the appellation of viscounts was given to them, either as denoting their delegated duties, or as the title of some fief attached to those duties.

Two brothers, Gui and Ives, conjointly counts of Amiens,* made the charter of which I am speaking, on the reiterated complaints of the churches and congregations; and after having held a preliminary consultation with Gervin, the bishop of Amiens, the Archdeacons Ansel and Foulques, and the heads of the city. The object of this charter was to remedy the most crying

* They were the sons of Raoul I., count of Amiens, Mantes, and Pontoise, and came into possession of the county on the retirement of the elder brother, Simon, who entered the monastery of Saint-Claude in 1076.

abuses in the judicial proceedings, and to put an end to the prevarications of which the viscounts or judges were guilty in the exercise of their office.

We give here the principal provisions:—

Both within and without the city, throughout the county of Amiens, no viscount shall compel a person to answer to an accusation of theft, unless some one shall have lodged a complaint against him. If an accuser appears, the accused shall receive from the viscount permission to take counsel; and, after having taken counsel, he shall reply to the charge made against him.

If the accused be convicted of theft, he shall restore to the plaintiff the money stolen, and shall pay the viscount only three livres; he shall then be quit of that matter, and shall not be held liable to give account upon it to the other viscounts.

If a viscount assumes that an article has been found by any one, and claims it on that account, the suspected shall not be held liable to reply, unless there be a witness who declares that he was present at the discovery, or has received some confession from the accused. If there be a witness, the accused, having taken counsel, shall legally exculpate himself; if he fail to do so, he shall give up the article found to the count, and only three livres to the viscount; and shall not be afterwards held liable to answer before the other viscounts.

If one of the viscounts accuses any one of having

made a stipulation with another viscount upon an act of theft, or discovery, the accused shall not be held liable to answer to the charge, unless there be a witness who declares that he was present at the transaction. If there be a witness, the accused shall exculpate himself legally, or he shall restore to the viscount the object stolen or discovered, and shall pay him three livres at the most.

To this act of judicial reform there is attached a grant which was made by the two counts to the cathedral church of Amiens; it was promulgated in this church by being read aloud, and under menace of anathema.*

The enacting clause and the preamble of this curious charter form a striking testimony of the deplorable state of society, especially the urban society, about the end of the eleventh century. Nothing could be more intolerable for the cities, more contrary to their municipal traditions, more repugnant to their ancient conditions of existence, than an order of things in which justice, in its different degrees, constituted a private property and patrimonial revenues. The abuses here pointed out imply others still more serious, of which, unfortunately, no authentic act has transmitted the account to our times. An action for theft commenced without a complaining party, and an accusation made without a witness, for an assumed discovery of articles

* See the text of the document. *Rec. des Monum. inéd. de l'Histoire du Tiers Etat.*, t. i., p. 22.

which had been concealed, or were unclaimed,—articles, which, according to the feudal law, belonged to the *seigneur*,—such were the means of daily extortion practised by the viscounts. The accused, who had been acquitted by one of the viscounts, found himself charged by another viscount with having made a compromise with his judge, and an action recommenced against him; the condemned paid the penalty as many times over as there were viscounts in the city, or in the district; lastly, the object of the real or pretended theft was confiscated by the judges. That which was prohibited for the future by the ordinance of the Counts Gui and Ives was thus obtained, as a favour, by the inhabitants of Amiens, after lengthened remonstrances and solicitations frequently repeated. The two counts who made this grant seem to have had a feeling of deep distress, that their constitution, as they call it, should be powerless to supply a remedy. The words which they make use of are grave and sad: "Considering," they say, "how miserably God's people, in the county of Amiens, have been oppressed by the viscounts with sufferings new and unheard of, like the children of Israel oppressed in Egypt by the task-masters of Pharaoh, we have been moved by feelings of charity; the cry of the churches and the groanings of the faithful have affected us with sorrow."* This pity, mixed with remorse, might be

* " . . . . Attendentes quam miserabiliter plebs Dei, in comitatu Ambianensi, ab vicecomitibus novis et inauditis

sincere, but it could not bear any lasting fruit; the benevolent will of a *seigneur* reproved for a moment the weight of the feudal tyranny; but this *seigneur* passed away, and the institutions remained there to bring all back again. A power, violent and entirely uncontrolled, sprung from the introduction of the barbarian usages, had seized upon all the remains of the old civil society; the usage of the age had formed it; a revolution alone could crush it; and, in the case of the city of Amiens, this revolution was not long delayed; it took place less than a quarter of a century after the charter of the Counts Gui and Ives.

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## SECTION II.

### THE TWELFTH CENTURY: ESTABLISHMENT OF THE COMMUNE OF AMIENS.*

THE great municipal revolution, which broke out in the first years of the twelfth century, had been a long time in a state of preparation; the causes of this revolution have been traced in the preceding pages, for

calamitatibus affligebatur, quasi populus Israel oppressus in Egypto ab exactoribus Pharaonis, zelo caritatis permoti condoluimus. . . . ." (*Rec. des Monum. inéd. de l'Hist. du Tiers Etat*, t. i., p. 22.)

* *Recueil des Monuments inédits de l'Histoire du Tiers Etat*, t. i., p. 25.

the wrongs which the city of Amiens suffered from the seigneurial government were common to all others. In the cities, as well as in the rural districts, the feudal organisation had encroached upon and transformed the ancient social governments, whatever might be their nature and origin. It had more or less entirely destroyed the old urban institutions; and the cities parcelled out into different seigniories, deprived of political unity and civil jurisdiction, found themselves governed, under the name of domains, by great or small feudatories. During the eleventh century no means existed to remedy the disorders and sufferings of every kind which resulted from such a state of things—neither the Institutions of Peace, nor the complaints and remonstrances of the *bourgeois*, joined to those of the clergy, nor the royal power of the Capets, too weak and undecided to make its attempt at interference of any effect or benefit.

At the commencement of the twelfth century the population of the cities, throughout the whole extent of France, was agitated in various ways and different degrees by a deeply-felt necessity of a political reform.* The design of this movement—whatever might be the symptoms of it—was the same everywhere, and its tendency may be thus defined:—to revive the tradi-

* Two cities, Cambray and Mans, took the lead of all the rest; their attempts at a revolution date from the eleventh century. (See the *Lettres sur l'Histoire de France*, Letters xiv. and following.)

tions of the ancient civil government, and to rally all the scattered remains of the municipal existence; to complete and establish them by means of a new constitution; to seize again, by force or otherwise, the right of urban jurisdiction, and to substitute elective magistracies for feudal offices; to regain the useful rights of the ancient municipality, its revenues, its common property, its dependencies; lastly, to erect the whole body of the citizens into a free corporation, invested with political rights, and having the power of delegating its administrative and judicial functions. With regard to the external character of this revolution, the occasional causes which made it burst out simultaneously, or propagated it step by step, the political instrumentalities by which it was assisted, the events which accompanied it, and its social consequences, there were great differences, according to the condition of the cities in one or another portion of the country; and in this respect two great zones may be marked out—that of the south and that of the north. We shall only speak in this place of the last, in which Amiens is situated.

In the case of the cities of the north of France, the means of civil regeneration, the revolutionary mainspring, if we may so express it, was the confederated association, the Guild derived from the German usages, and employed in the course of the eleventh century as an instrument of public peace under the religious inspiration and authority of the Church. The appli-

cation of this powerful instrument to the municipal organisation had this new feature—that it was entirely political. Besides, its object was not only to establish peace in the cities, but to reconstitute society in them from its foundation; to institute a mutual assurance in behalf of all interests and all rights; to make a public power, exercised for and by all, emanate from the association of the citizens.

Such is the meaning of the words *conjuration* and *commune* in the documents of the twelfth century;* it is a mutual guarantee, organised under the pledge of an oath, for an object of social reform and constitutional renovation. The members of the city formed into a commune took the name of *jurés*, sworn collectively as a body, and individually in respect of one another; and this name was sometimes also specially applied to the municipal magistrates, on account of the particular oath which they took after their election. The communal constitution embraced and guaranteed three kinds of rights,—first, the political right, one entirely new in regard to its basis and its form, with

* "Communio, novum ac pessimum nomen."—(*Guibert. abbat. de Novigento, de Vita sua*, lib. iii., apud Script. Rer. Gallic. et Francic., t. xii., p. 250.)—"Communio quoque civium Trevirensium, quæ et conjuratio dicitur." (*Hontheim, Hist. Trevir. Diplomat.*, t. i., p. 594.)—Communiam juratam. (*Charter of Eleanor, queen of England and duchess of Aquitaine; Rec. des Ordonn. des Rois de France*, t. xi., p. 319, note *g*.)—See the *Considérations sur l'Histoire de France*, placed at the head of the *Récits des Temps Mérovingiens*, chap. vi.

the exception of the old titles of offices which were preserved or re-established—such as those of *échevins* and mayor;* secondly, the civil, an ancient right founded on the local custom; thirdly, the criminal right, partly ancient, and resulting from the law of custom, partly remodelled, in order to meet offences proceeding from the new order of things, such as the crime of treason against the commune.

It appears that the revolution of Amiens was determined, or at least accelerated, by an impulse received from without, by the example of many neighbouring cities. From the year 1100 to the year 1112 *communes jurées* were successively established, with various circumstances and results, at Noyon, Beauvais, Saint-Quentin, and Laon. In this last city the bishop was sole *seigneur*, and the gradua, abolition of the ancient municipal powers had taken

* We have remarked above upon the origin of the title of *échevins;* with respect to that of *mayor*, the period of its introduction into the nomenclature of the municipal offices is uncertain, and all that can be said is, that it was borrowed from the organisation of the great domains under the first and second races. Its usage, in many cities of the north and centre of Gaul, ascends, probably, to the time when the name and office of the *Defenseur* disappeared, by the absorption of this office into the seigniory of the bishop; it was the first stage of decline in the ancient municipal government, adopted in spite of this origin, by the communal revolution of the twelfth century: the title of mayor then received political prerogatives much higher than those of the heads of the Roman senate, or the Gallo-Frank municipality.

place to his benefit, and in his name; it was in opposition to his rights that the commune was formed, or, in other terms, that the *bourgeois* of Laon were associated for the mutual defence of their persons and properties, and for the establishment of a new constitution and an elective magistracy. The revolution, peaceably commenced, met with resistances which soon caused all the popular passions to be let loose; there was a civil war, attended with pillage and incendiarism, the bishop was slain in a tumult, and the *bourgeois,* in revolt, defended themselves against the king in person. These events, however sad and violent they might be, were well calculated to sow, by their very violence, the revolutionary spirit in the country bordering on Laon. We know, by the experience of our own times, what a part this kind of excitement plays in political movements, and how the flame is kindled step by step where the fuel is prepared. It was in the year 1113, at the height of the revolution of Laon, that the *bourgeois* of Amiens undertook to erect their city into a commune.

As we have seen above, Amiens was not in the same condition as Laon in regard to the seigniory of the city; the bishop there not only did not possess the whole temporal authority, but his power in the civil affairs was much inferior to that of the count; his right of jurisdiction did not extend beyond the peculiar domains of the Church, either within or without the

city; and even within these limits it was continually encroached upon. On the contrary, the jurisdiction of the count of Amiens embraced the whole extent of the city and of its precincts, with some particular exceptions. By means of the count, and for his benefit, had been effected the gradual destruction of the municipal jurisdiction, the more or less complete abolition of the ancient urban administration, the transformation of the municipal appointments, elective and for life, into hereditary feudal offices, and the substitution of peers holding their office in fief, and named viscounts, in the place of the elected judges, or *Scabins*, of the Carlovingian period. The seigniory of the count having thus absorbed all the political, civil, and judicial powers, the association, confederated under the name of commune by the inhabitants of Amiens, was nothing else in reality than a conspiracy against that seigniory.

In 1113 the county of Amiens was in the possession, with but slight legal claims, as far as appears, of Enguerrand de Boves, seignior of Coucy; and Geoffrey, who is reckoned as a saint by the Church, filled the episcopal chair. This man, full of zeal for the public welfare, and as enlightened as the spirit of his age allowed, perceived the lawfulness of the desire for independence and guarantees, both of life and property, which induced the *bourgeois* to unite themselves in a political body under its own government, capable of resistance and action. Less dis-

interested motives contributed to incline the bishop Geoffrey towards the party of the *bourgeoisie;* for, as we have already said, the revolutionary undertaking of the inhabitants of Amiens tended to create in the city a new power, entirely hostile to that of the count.

It is true that this power, once constituted, could, and indeed must, be turned against the episcopal seigniory; but this was a distant danger, which the bishop either did not foresee, or judged less important than the present danger. According to the words of a contemporary historian, he gave his countenance to the commune without any constraint, and although he was well aware of what had taken place at Laon, the frightful murder of one of his colleagues, and all the disasters of that city. By his mediation, probably, the *bourgeois* of Amiens entered into negotiations with the crown, and obtained, on payment of a sum of money, from Louis le Gros, the verbal or written sanction of what they had instituted; that is, of the association or commune, and of the new magistracies, which, emanating from it, were destined to maintain it, to give it the force of law and a form of government.*

* "Post funestum excidii Laudunensis eventum, Ambiani, rege illecto pecuniis, fecere communiam, cui episcopus, nulla vi exactus, debuisset præstare favorem, præsertim cum et nemo eum urgeret, et coepiscopi sui eum miserabile exitium, et infaustorum civium confligium non lateret." (*Guiberti abbat. de Novigento, de Vita sua,* lib. iii., inter ejus opera omnia, p. 515.)

This adhesion of the king determined the state of parties at Amiens, between whom an armed struggle was inevitable. On one side the commune, the bishop, the royal officers, and the *vidame* of the episcopal church; on the other, the count, Enguerrand de Boves, at first alone, but afterwards assisted by the governor, who, although he was not his liege-man, but the king's, joined his cause, and opened to him the fortress of the Chatillon.* Such were the actors and such the parts taken in the civil war which resulted from the erection of Amiens into a commune, parts the distribution of which agreed closely with the old reminiscences of its municipal history. The events which marked the revolution of Amiens have been recounted with prejudice and with a feeling of hatred by a contemporary, Guibert, abbé of Nogent. This account, however, when compared with other original documents, and stripped of its excessive partiality by the hand of criticism, gives some valuable information on the position of the two parties, on their claims, their efforts, and the various incidents of the struggle.

"Enguerrand, count of the city, (says the narrator whom I have just named,) seeing that the ancient rights of the country, as appertaining to him, were suppressed by the conspiracy of the *bourgeois*, treated them as rebels,

* "Ipse autem in fidelitate Ingelranni huc usque contra burgenses steterat .... et certe Adam regi hominium fecerat, nec ab eo defecerat, rexque eum in sua fide susceperat." (Ibid., p. 516.)

"and attacked them with all the forces at his command. Moreover, he found an auxiliary in Adam the governor, and an advantageous position in the town which he commanded. Driven by the *bourgeois* from the city, he shut himself up in the tower."* Such are the hostilities which commenced a civil war of three years' duration in Amiens. The *bourgeois*, armed under the direction of the heads of their commune, were supported by all the forces of the bishop, and by the personal assistance of Guermond, *seigneur* of Picquigny, *vidame* or hereditary deputy of the bishop. During the whole course of the war, this help never failed them; and, at the commencement, they found an unexpected auxiliary in the very son of Enguerrand de Boves, the notorious Thomas de Marle, the most turbulent and cruel, perhaps, of the barons of the twelfth century. He had taken the side of the commune of Laon, which, no doubt, indicated to the citizens of Amiens that he might possibly become their ally. No doubt, also, large sums were the price of this alliance, on the strength of which Thomas, adopted as *seigneur* by the *bourgeois* of Amiens, took the oath of associate to the commune, and took arms against his father and the governor Adam.†

* "Videns itaque Ingelrannus, urbis comes, ex conjuratione burgensium, comitatus sibi jura vetusta recidi, prout poterat, jam rebelles armis aggreditur. Cui etiam non defuit Adam, sic enim vocatur, et suæ, cui præerat ipse, turris auxilium: a burgensibus ergo urbis pulsus, ab urbe in turrim se contulit." (Ibid., p. 515.)

† "Qui [burgenses], cum in comitem irremissis assultibus

During many months, the count and the governor, fortifying themselves in the tower of the Castillon, and pressed hard by the *bourgeois* and Thomas de Marle, were reduced to remain on the defensive; but Thomas, having received proposals of alliance and offers of money from his father, was reconciled to him, and bound himself by oath to turn his forces against the *bourgeois*, the bishop, and the *vidame*. From that time the face of affairs altered; the besieged assumed the offensive, and Thomas de Marle began to harass the city and to ravage the domains of the episcopal church, joining massacre and incendiarism to pillage.*

It appears that, in this crisis, a party of the *bourgeois*, and especially the clergy of the city, who adhered to their cause, were seized with great discouragement. Words of blame were heard against a revolution whose success seemed impossible. The bishop was bitterly reproached for having taken part in it, and for having excited troubles which it was not in his power to ap-

grassarentur, et Thomam, quasi amantiorem suum dominum, ad communiæ illius sacramenta vocantes, contra parentem, ut putatur, suum filium suscitarunt." (*Guiberti abbat. de Novigento, de Vita sua*, lib. iii., p. 515.)

* "Exhausto denique Thomas plurimo quem habebat thesauri cumulo, opem quoque Ingelranno spopondit contra burgenses, quibus cum vicedomino adnitebatur episcopus. Thomas igitur et Adam, qui turri præsidebat, cœperunt acerrime insistere vicedomino atque burgensibus. Et quamprimum, quoniam episcopum et clericos factæ cum burgensibus factionis arguebant, res pervasit Thomas ecclesiæ." (Ibid.)

pease. Geoffrey, depressed by these attacks, and perhaps doubtful himself of the cause which he had embraced, determined to absent himself from Amiens. In 1114 he sent to the archbishop of Rheims the insignia of his episcopal office, and retired into the monastery of Cluny, afterwards to the *grande chartreuse,* near Grenoble. He returned from that voluntary exile on the injunction of his archbishop, about the beginning of the year 1115.*

On his return he saw, at Beauvais, the celebrated Ives de Chartres, to whom he imparted the deplorable condition of the city and church of Amiens. The city was constantly being attacked by the garrison of the fortress; the fight carried on street by street; and the *bourgeois,* barricading their houses in order to defend themselves in them, carried all that was most valuable of their property to the monasteries in the neighbourhood.† All the lands of the bishop and chapter had

* "Cum ergo vidisset [Godefridus] suam nec clero nec populo præsentiam esse gratam, quia neminem juvare poterat, assumpto quodam nostro monacho, inconsultis omnibus clero suo ac populo libellum, ut ita dicam, repudii dedit, et archiepiscopo Remensi annulum, sandaliaque remisit, et se in exilium iturum, numquamque deinceps episcopum futurum, utrobique mandavit. . . . . Ipse enim turbam moverat quam sedare non poterat." (*Guiberti abbat. de Novigento, de Vita sua,* lib. iii., inter ejus opera omnia, p. 516.)

† "Extra muros urbis Ambianensis est monasterium S. Dionisii. In illud tùm cives Ambianenses aurum, argentum aliasque res comportarant, monachisque diligenter asservandas commendarant. Sæviebat enim per id tempus in urbe seditio et bellum intestinum, et sicarii passim toto oppido vagabantur

been invaded by Thomas de Marle, and occupied by his troops. Ives de Chartres, when consulted with by the bishop on the best mode of proceeding in such a deplorable state of things, advised him to address the king, and solicit aid and succour, in the name of the public peace; and a letter, which he wrote himself to Louis le Gros, has been preserved to our days.*

The king, already appealed to against Thomas de Marle by the greater part of the bishops of the province

magnum omnibus terrorem afferentes." (Vita S. Godefridi Ambian. Episc., apud Surium, mens. Novemb., p. 224.)—"Referri non possunt ab aliquo, ne ab eis quidem quorum pars periclitabatur, factæ neces de burgensibus per turrenses, cum ante obsidionem, tum postea crebriores. Nullus enim apud urbanos actus erat, sed passio sola." (*Guiberti abbat. de Novigento, de Vita sua*, lib. iii., inter ejus opera omnia, p. 516.)

* "Domnus Godefridus Ambianensis episcopus, vir religiosus et honestus, nuper Belvaci hospitatus, ad colloquium nostrum pro humilitate sua venit, importabiles miserias suas et angustias, quibus a violatoribus pacis vexatur, lachrymabiliter nobis aperuit, et consilium quomodo tanta mala mitigare posset, a me anxie quæsivit. Quod cum excederet vires meas, quia consilium sine fortitudine inutile esse solet, hoc unum mihi præ cæteris occurrit, quatinus eum monerem, ut regiam majestatem adiret, apud quam et consilium inveniri, et auxilii fortitudo valeat sociari. Ex jure ergo fidelitatis et dilectionis monemus et rogamus regiam majestatem vestram, quatinus lachrymabiles ejus questiones intenta aure perpendatis, et cor vestrum aculeis doloris ejus, suggerente pietate, compungatis. Decet enim regiam majestatem vestram ut pactum pacis, quod Deo inspirante in regno vestro confirmari fecistis, nulla lenocinante amicitia vel fallente desidia violari permittatis.' (*Ivonis Carnot. epist.*, apud. Script. Rer. Gallic. et Francic., t. xv., pp. 164 and 165.)

of Rheims, marched on Laon, punished this city for the excesses which had stained its revolution, and seized on many castles which belonged to the son of Enguerrand de Boves; he then directed his steps towards Amiens. In interfering in the desperate war which was being carried on between the *bourgeois* of this city and their count, Louis le Gros had not the pursuit of political projects in view—the execution of a plan conceived for the twofold interest of the crown and the people. On the report of the violences and profanations which were committed by the adversaries of the commune of Amiens, he raised his standard, and took part in the strife as the maintainer of the public peace, the defender of the weak, and protector of the churches.* The crown had not, at that time, conceived that any other part belonged to it; and it is the glory of Louis VI. to have filled this part on every occasion with an admirable courage and an indefatigable activity.

During these transactions, Thomas de Marle, in an encounter which he had with the *vidame*, received some wounds, which rendered him incapable of continuing the war in person; he retired to his castle of Marle, leaving the bravest of his soldiers in the tower

* "Mala autem ubique tanta egerat [Thomas] ut archiepiscopi et præsules pro ecclesiis quærimonia data ad regem dicerent, se in regno ejus Dei officia non facturos, nisi ulcisceretur in illum . . . . de his ergo ac similibus cum maximis ecclesiarum doloribus, apud regias cum impeterentur aures . . . collecto rex adversus eum exercitu." (*Guiberti abbat. de Novigento, de Vita sua*, lib. iii., inter ejus opera omnia, p. 517.)

of the Castillon, which was considered impregnable.* It was near Palm Sunday, A.D. 1115, that the royal army, small in number, but consisting of experienced veterans, reached the gates of Amiens. Geoffrey, the bishop, had been restored to all his political energy by the arrival of such assistance; on Palm Sunday he preached before the king, the army, and the citizens, a sermon, in which he promised the kingdom of heaven to all who might perish in the attack upon the fortress. Guibert de Nogent speaks of this discourse with indignation, mixed with classical reminiscences, and says that it was the speech of a Catiline rather than the word of God.†

On the following day the instruments of the siege were prepared against the tower of the Castillon, and the bishop betook himself with bare feet to the tomb of St. Acheul, to implore the divine assistance in favour of the besiegers.‡ The royal troops, together with the

* "Confossus membra vulneribus etiam in poplite lanceam hostis pedestris accepit. Qui cum alias, tunc in geniculo durissime læsus, vellet nollet, a cœpto desiit. . . . . Thomas igitur turri subvenire non potuit intra quam et filiam suam et militum suorum probiores dimiserat. . . . Thomas autem apud Marnam tuebatur se." (Ibid., pp. 516 and 517.)

† "Igitur, Dominica Palmarum, reversus a Carthusia, Godefridus episcopus, longe alia quam ibi didicerat, incipit propagare. Regem ergo arcessit, et die celebri ac verendo, ipsum et astantem populum adversus Turrenses, sermone habito, non Dei, sed Catilinario, irritare intendit, spondens regna cælorum his qui turrim expugnando perierint." (*Guibert. abbat. de Novigento, de Vita sua*, lib. iii., inter ejus opera omnia, p. 517.)

‡ "Postridie pro muro Castellionis (sic enim vocatur) ingentes

most determined and best-armed of the citizens, led by the king in person, made a general attack; but in spite of the enthusiasm of the assailants, and the power of the machines used to batter the walls, the fortress, well defended, resisted the attack. The machines were dismounted by the stones thrown down from the walls; many soldiers and citizens perished, and the king himself was wounded in the breast by an arrow, which pierced his coat-of-mail.* Considering the place too strong to be taken by assault, Louis VI. determined not to attempt another *coup de main*, but to turn the siege into a blockade; he left Amiens, having left some troops there, who, co-operating with the *bourgeois* and their party, were to surround the castle until the defenders were compelled, by famine, to surrender.†

The blockade of Amiens lasted nearly two years; it was not till 1117 that it surrendered to the royal officers, and that the commune thus became freed from all hostilities of a warlike character. The tower, and all the works of defence which protected it, were demo-

machinæ porriguntur, eisque milites imponuntur. Turrenses ante cortinis sese protexerant, ne esse eorum proderetur. . . . Episcopus vero nudipes ad Sanctum Aceolum, non tunc pro hoc exaudiendus, abierat." (Ibid.)

* "Et fervescente jactu missilium . . . etiam regem jaculo in pectore loricato læserunt." (*Guiberti abbat. de Novigento, de Vita sua*, lib. iii., p. 517.)

† "Videns igitur rex inexpugnabilem locum, cessit: obsideri jubens dum fame coacti se redderent." (Ibid.)

lished by the king's order;* but, in spite of the betrayal of his trust by the governor Adam, who, without any personal cause of grievance, had fought against his immediate *seigneur,* Louis le Gros did not deprive him of his fief nor of his seigneurial rights; but those rights were now attached only to a heap of ruins and to a large extent of land, which, eventually being joined to the city, and comprised within its circumference, retained through after ages, and still retains, the old name of the Castillon.† Enguerrand de Boves and his family were dispossessed of the county of Amiens, and the ancient family of the counts of Raoul reassumed its rights.‡

This family, which, so far from being connected with

* "Regressus, turrim ejusdem civitatis, Adæ cujusdam tyranni, ecclesias et totam viciniam dilapidentis, obsedit: quam fere biennali coarctans obsidione, ad deditionem defensores cogens, expugnavit, expugnatam funditus subvertit, ejusque subversione pacem patriæ, regis fungens officio, qui non sine causa gladium portat, gratantissime reformavit." (*Sugerii abbat., liber de Vita Ludovici Grossi regis,* apud. Script. Rer. Gallic. et Francic., t. xii., p. 42.)

† One of the parishes of Amiens is named Saint-Firmin en Castillon.

‡ "Et tam ipsum præfatum Thomam nequissimum, quam suos, dominio ejusdem civitatis perpetualiter exhæredavit." (*Sugerii abbat., lib. de Vita Ludov. Grossi,* ap. Script. Rer. Gallic. et Francic., t. xii., p. 42.) See above, p. 127, note. Adèle, sister of the Counts Simon, Gui, and Ives, and her husband, Renaud, Count of Vermandois, took possession of the county of Amiens in 1117; they transmitted it, in 1118, to their son-in-law, Charles of Denmark.

the struggle against the commune, owed its restoration to its municipal enfranchisement, was disposed to recognise what had been done, and to conclude the revolution by a pacific agreement, a regulation of rights, and a division of the government between the seigniory and the city. With regard to Geoffrey, the bishop, he died in the year 1116;* he did not live to see the organisation and prosperity in the midst of peace of the constitution which was, in part, his work. His memory, encircled with religious veneration, also richly deserved civil honours. Some day, perhaps, (and would that the present work might hasten that day!) we shall see raised in the midst of one of the public places in Amiens, the statue of Saint-Geoffrey, holding in his hand the compact of the communal association, and shall read on the unfolded roll those expressive words which formed the first article, and which contained the whole spirit of that civil compact: "Each shall observe fidelity to his confederate, and shall afford assistance and counsel in all that is just." †

* Engherrand, who succeeded him, held to the party of the commune to the end of the war; he is once named by Guibert de Nogent, whose narrative ends before the taking of the Castillon: "Huc usque perseverat obsidio: et dici non potest quot de Burgensibus solis quotidie pene depereant. Adam vero extra positus, suburbia et Ingelrannum atque vicedominum crebris hostilitatibus urget." (*Guiberti abbat. de Novigent., de Vita sua*, lib. iii., inter ejus opera omnia, p. 517.)

† "Unusquisque jurato suo fidem, auxilium, consiliumque per omnia juste observabit." (Charter of the Commune of Amiens.)—See below the text of this charter.

The law of the commune, deliberated upon by the citizens after their association, under oath, was, according to all probability, in 1117, submitted to the acceptance of the family which recovered its seigneurial title, and then undoubtedly it became the object of a formal contract between the body of the citizens and the new count. This treaty, of which no mention has been preserved to our times, but the existence of which it is impossible not to conjecture, was the first charter of the commune of Amiens. The amount of the rights which the city had obtained for itself by its revolution, and the amount of those which, with a view to a lasting peace, it had acknowledged in its ancient *seigneurs*, were settled in this constitutional charter, in which the urban sovereignty was laid down as the principle and rule, and the seigneurial power as the exception. In the middle ages the supreme jurisdiction was the essential attribute of sovereignty. That of the count passed entirely into the power of the commune, with the exception of the attendance of his provost, who issued the summonses, prepared the cases, watched the judgments, but did not act as judge,* and with the exception of a share of the proceeds from fines, seizures, and judicial confiscations. The jurisdiction of the bishop and of the chapter was preserved intact within

* This was literally true in regard to criminal cases. In civil cases, especially where debts and obligations were concerned, the provost of the count could judge with the consent of the parties; otherwise the matter was brought before the municipal magistrates.

their ancient department; that of the *vidame* and governor seems to have been suppressed in their exercise, and retained in regard to their useful rights and pecuniary profits.* The dues of quit-rents, tolls, the liberty of passing from one part of the country to another, the mills and public ovens, remained in the possession of the *seigneur*, by virtue of his right over each portion of the communal territory; and, at a later period, when the commune wished to reunite these dues to their own domain, it was necessary to obtain them from each titulary by grant or by purchase.†

The commune of Amiens was supreme, for it had the right of governing itself by its own laws, and the right of life and death over all its members. According to the expression of the ancient jurisprudence, it possessed the administration of justice in the superior, mean, and inferior courts (*haute, moyenne, et basse justice*). Its legislative administration and judicial power were dele-

* The title of *Vidame* of Amiens, and the seigneurial rights attached to this title, continued in the family of the sires of Picquigny. The title of governor (*châtelain*) and the privileges retained by Adam continued in his family. They devolved by inheritance on the sires of Vignacourt, who, as *co-seigneurs* with the bishop, the count, and *vidame*, added to their Christian names the name *d'Amiens*.

† The proof of this fact, and the explanation of the terms which serve to specify the various classes of seigneurial dues, are found in a charter of Philip of Alsace, count of Amiens, granted in the years 1161 and 1185. (See this document, text and notes, in the first volume of the *Recueil des Monuments inédits de l'Hist. du Tiers Etat*, p. 74.)

gated by it to a body of elective magistrates, renewed every year, whose head bore the name of *mayeur,* and the members that of *échevin,* or the united titles of *échevin* and *prévôt.** In this manner the old name of the elected judges of the Carlovingian constitution, which had disappeared under the feudal system, reappeared with a much wider signification, and the title of mayor, which was, perhaps, one of antiquity in the city, assumed a political importance of which nothing had been able to give a notion up to that time. The person elected to the office of mayor or *échevin* was obliged to accept it, under pain of banishment—a remarkable law, inasmuch as it revived and sanctioned, by entirely new guarantees, that principle of Roman legislation which made the municipal offices an obligatory duty.†

In the same manner as the senate of the Roman

* We find the title of *prévôt* in the *échevinage* of Amiens from the twelfth century, that is to say, two centuries before the acquisition made by that city of the *prévôté* of the king. (See Ibid., p. 96, a charter of 1177.)

† ". . . Et convient que chis qui pris est faiche le serment de le mairie, et se il ne veult faire, on abatera se maison et demourra en le merchy du roy, au jugement des esquevins.

"De rekief, se li maires qui eslus seroit refusoit le mairie et vausist souffrir le damage, jà pour che ne demoureroit qu'il ne fesist l'office ; et se aucuns refusoit l'esquevinage, on abateroit se maison et l'amenderoit au jugement des esquevins, et pour chou ne demoureroit mie que il ne fesist l'office de l'esquevinage." (Ancient custom of Amiens.) See the complete text of the custom, Ibid., p. 157 and the following ; see also Cod. Theod., lib. xii., tit. i., *de decurionibus,* and D. lib. i. tit. iv., *de muneribus et honoribus.*

times, the *échevinage* regulated the common property and managed the finances of the city; it regulated and administered the urban police; it gave authority to the acts of every kind; and constituted a tribunal charged with the repression of infringements on the ordinances of the police and the municipal regulations; but, as I have already said, its powers did not stop there. It joined the civil and criminal jurisdiction to the ordinary and correctional police; in every matter the common law could be modified by its decrees or by its jurisprudence. Lastly, as exercising the municipal sovereignty in the name of the body of the citizens, it sealed its acts with the seal of the commune, a seal which, for many centuries, bore for the legend, on its reverse, the words—*Secretum Meum Mihi.**

Although the charter of agreement by means of which, in the case of the commune of Amiens, the constitutional system succeeded to the revolutionary movement, no longer exists in its authentic character, we are able to give, not only its groundwork, but its probable form, after a subsequent act, in which it is encased, if I may so speak, and simply modified in

* The other side, properly called the seal, has—*Sigillum civium Ambianensium.* With respect to the money of Amiens, of which a celebrated specimen is the silver denier, which has for its legend—*Pax civibus tuis,* and which seems to belong to the second half of the eleventh century, there is nothing to show that, at the establishment of the commune, it had passed from its dependence on the count or the bishop to that on the municipal magistrates.

some of its formulas. I am speaking of the letters accorded by Philippe-Auguste, in 1190, to the *bourgeois* of Amiens, and granting, or, to speak more exactly, confirming their commune.* We might extract from the royal charter, as still more ancient, all that is found after the first article, which declares the reciprocal duties of the *jurés*, or members of the commune, up to the forty-fifth article, where we read: "All these rights only exist between the confederated; equality in justice does not exist between the confederated and him who is not confederated."† I should be warranted in suppressing, in these forty-five articles, the words *king* and *royal*, which, in my opinion, were introduced into it in 1190 by the chancery of Philippe-Auguste. The text, thus disengaged from the formulas, which seem to proceed from a revision made at a later period, would, by conjecture, be assigned to the year 1117, as being the original law of the commune of Amiens,—a law deliberated upon and voted at first by the *bourgeois;* then discussed by their heads and the new counts; lastly, accepted and ratified by the last. But however legitimate the hypothesis would have been in this case, according to my opinion, I shall not have recourse to it; I am saved the necessity, by a document which is undeniable,—by an authentic act of a date prior to

* See below, Section IV.

† "Omnia ista jura et precepta que prediximus majoris et communie tantum sunt inter juratos, non est equum judicium inter juratum et non juratum."

1190, in which, with some variations, are observed fifteen of the forty-five first articles of the charter of Philippe-Auguste. It is the charter of the commune of Abbeville, granted by John, count of Ponthieu, in the year 1184. The following is the preamble:—

"I, John, count of Ponthieu, make known to all present and to come, that my grandfather, the Count William Talevas, having sold to the *bourgeois* of Abbeville the faculty of making a commune, and that these *bourgeois*, having no authentic writing of this sale, I have granted to them, at their request, permission to have a commune, and to hold it in perpetuity, according to the rights and usages of the commune of Amiens, or that of Corbie, or that of Saint-Quentin, saving the right of the Holy Church, that which belongs to me, and to my heirs and my barons."* The last article of

* "Quoniam ea que litteris annotantur, melius memorie commendantur, ego Johannes comes Pontivi, tam presentibus quam futuris notum facio, quod cum avus meus comes Williermus Talevas, propter injurias et molestias a potentibus terre sue burgensibus de Abbatis Villa frequenter illatas, eisdem communiam vendidisset; et super illa vendicione, burgenses scriptum autenticum non haberent, ad petitionem eorumdem burgensium, de assensu uxoris mee Beatricis et fratris mei Guidonis, et consilio hominum meorum, concessi eis communiam habendam, et tanquam fidelibus meis, contra omnes homines in perpetuum tenendam, secundum jura et consuetudines communie Ambianis vel Corbeie vel Sancti Quintini, salvo jure sancte ecclesie et meo et heredum meorum et baronum meorum." (*Rec. des Ordonn. des Rois de France*, t. iv., p. 55.) The commune of Corbie was established in the reign of Louis le Gros, by grant of that prince;

the same charter is the following: "Lastly, if a dispute be raised between me and the *bourgeois* of Abbeville, which cannot be terminated by this writing, it shall be decided by the commune of Saint-Quentin, or that of Corbie, or that of Amiens."*

In comparing the text of the communal charter of Abbeville with the charters of the three communes which this city took for the model of its constitution and the rule of its penal law, there is no special article of the charters of Saint-Quentin and Corbie found there, but it is not so with regard to the charter of Amiens. With respect to this last, the imitation, not only of the matter, but also of the form, is striking; the division of subjects is preserved, without any attempt to give them more order or method; the order of the articles which were adopted has been followed, and the text of them has passed from one charter to another, with slight variations. In a word, it is evident that the compilers of the charter of Abbeville,

that of Saint-Quentin was granted at the beginning of the twelfth century, by one of the predecessors of Raoul I., count of Vermandois.

* "Ad hec si forte inter me et dictos burgenses meos, querela emerserit, que per hoc scriptum nequeat terminari, per communiam Sancti Quintini, vel Corbeie, vel Ambianis, terminata fuerit." (Ibid., p. 58.) The municipal cartulary of Abbeville, entitled the *Livre Rouge*, states, for the second half of the thirteenth century, and the following centuries to the sixteenth, that the *échevinage* of Abbeville had recourse to those of Amiens and Saint-Quentin in questions of law of the simplest nature.

granted in 1184, had under their eyes at least fifteen of the fifty-two articles of which the communal charter of Amiens, signed by Philippe-Auguste, in 1190, was composed.

These fifteen articles are the first seven, the 9th, 10th, and 11th, the 14th, 15th, and 16th, the 20th and the 44th. They treat of the duties of the confederated one towards another; of theft committed within the limits of the commune; of the safety of the traders who come to sell their goods in the city; of theft committed by a member of the commune, to the detriment of one of his confederates; of theft committed by one who is a stranger to the commune, to the detriment of a confederate; of blows dealt with the fist or hand; of wounds caused by means of arms, by one confederate to another; of wounds caused, and blows dealt, to a confederate by one who is not; of injurious words between confederates; of dangerous intentions entertained against the commune; of the plaintiff who does not follow up his complaint for the purposes of justice; of resistance to the summonses of the officers of the commune; of the crime of friendly relations with an enemy of the commune; of the imputation of false judgment against the judges of the commune; lastly, of agreements made before two or more members of the *échevinage*.

## SECTION III.

### ORIGINAL ARTICLES AND PRINCIPAL PROVISIONS OF THE COMMUNAL CHARTER OF AMIENS.*

"1. Unusquisque jurato suo fidem, auxilium consiliumque per omnia juste observabit.†

"2. Quicumque furtum faciens intra metas communie comprehendetur vel fecisse cognoscetur, preposito nostro tradetur, et quidquid de eo agendum judicio communionis judicabitur, ei fiet; reclamanti vero id quod furto sublatum est, si potest inveniri, prepositus noster reddet; reliqua in usus nostros convertentur.‡

"3. Nullus aliquem inter communiam ipsam commorantem, vel mercatores ad urbem cum mercibus venientes, infra banleucam civitatis disturbare presumat. Quod si

* Collection of unpublished memorials of the history of the *Tiers Etat.*

† The first article of the communal charter of Abbeville is drawn up in the following form: "Statutum est itaque, et sub religione juramenti confirmatum, quod unusquisque jurato suo fidem, vim, auxilium, consiliumque prebebit et observabit, secundum quod justitia dictaverit." (*Rec. des Ordonn. des Rois de France*, t. iv., p. 55.)

‡ "Constitutum est etiam, quod si quis de furto reus apparuerit, captis omnibus rebus furis a vicecomite meo vel a ministris meis, exceptis rebus furtivis quas probare poterit esse suas, qui reclamaverit, res alie furis ad opus meum observabuntur. Fur autem primo a scabinis judicabitur, et penam pillorii sustinebit: postea vicecomiti meo vel meis ministris tradetur." (Communal Charter of Abbeville, art. 2.)

q"is fecerit, faciat communia de eo, ut de communie violatore, si eum comprehendere poterit, vel aliquid de suo, justitiam facere.*

"4. Si quis de communione alicui jurato suo res suas abstulerit, a preposito nostro submonitus, justitiam prosequetur; si vero prepositus de justitia defecerit, a majore vel scabinis submonitus, in presentia communionis veniet, et quantum scabini inde judicaverint, salvo jure nostro, ibi faciet.†

* "Statutum est quod nullus mercatores ad abatis Villam venientes infra banlivam disturbare presumat. Quod si quis fecerit et emendare noluerit, si ipsum vel res suas comprehendere poterunt idem Burgenses, tam de ipso quam de rebus suis, tanquam de violatore communie, justitiam facient." (Charter of Abbeville, art. 3.)

† The spirit of this article is found in the fourth article of the charter of Abbeville, but with some variations in its drawing up, to suit it to the political and judicial organisation of the county of Ponthieu:—"Si inter juratum et juratum, vel inter juratum et non juratum de re mobili questio oriatur, ad vicecomitem meum de eo clamor fiet, vel ad dominum vicecomitatus illius in quo manebit qui fuerit impetitus; nisi ipse infra vicecomitatum meum inventus fuerit; tunc enim, tam de eo quam de rebus suis in meo vicecomitatu existentibus, vicecomes meus justitiam faciet; excepto eo quod personam jurati capere non poterit; et qui ab eodem vicecomite meo vel domino, per sententiam condempnabitur, si condempnatus judicio non comparuerit, a scabinis quod judicatum fuerit, exsequi compelletur." The fifth article of the charter of Abbeville ordains, that in any process relative to real property, the complaint shall be made before the *seigneur*. This article seems to correspond to the nineteenth article of the charter of Amiens, as follows:—"Statutum est etiam quod communia de terris sive feodis dominorum non debet se intromittere."

"5. Qui autem de communione minime existens, alicui res suas abstulerit, justitiamque illi infra banleucam se executurum negaverit, postquam hoc hominibus castelli ubi manserit notum fecerit communia, si ipsum vel aliquid ad se pertinens, comprehendere poterit, donec ipse justitiam executus fuerit, prepositus noster retinebit, donec nos nostram et communia similiter suam habeat emendationem.*

"6. Qui pugno aut palma aliquem de communia, preter consuetudinarium conturbatorem vel lecatorem, percusserit, nisi se defendendo se fecisse duobus vel tribus testibus contra percussum disrationare poterit coram preposito nostro, viginti solidos dabit, quindecim silicet communie et quinque justitie dominorum.†

"7. Qui autem juratum suum armis vulneraverit, nisi similiter se defendendo legitimo testimonio et assertione sacramenti, se contra vulneratum disrationare poterit, pugnum amittet, aut novem libras, sex silicet firmitati urbis et communie, et tres justitie dominorum, pro redemptione pugni persolvet, aut si persolvere non poterit in misericordia communie, salvo catallo dominorum, pugnum tradet.‡

* * * * * *

* "Si vero non juratus res jurati abstulerit, et quod justitia dictaverit, exequi noluerit, si ipsum vel res suas comprehendere poterunt, detinebunt, donec quod justitia dictaverit, eidem jurato exequetur." (Charter of Abbeville, art. 6.)

† "Qui pugno aut palma aliquem cum ira percusserit, nisi se aliqua ratione coram scabinis deffendere poterit, viginti solidos communie persolvet." (Charter of Abbeville, art. 7.)

‡ This article is blended with other provisions and new developments in the eighth article of the charter of Abbeville:—

"Item, si quis armis aliquem vulneravit, domus ejus a scabinis prosternetur, et ipse a villa ejicietur, nec villam intrabit,

u. "9. Qui vero de communione minime existens, aliquem de communia percusserit vel vulneraverit, nisi judicio communie coram preposito nostro justitiam exequi voluerit, domum illius, si poterit, communia prosternet, et capitalia erunt nostra. Et si eum comprehendere poterit, coram preposito . . . . per majorem et scabinos, de eo justitiam capiet, et catalla nostra erunt.*

"10. Qui juratum suum turpibus et inhonestis conviciis lacesserit, et duo vel tres audierint ipsum, per eos statuimus convinci, et quinque solidos, duos scilicet conviciato, et tres communie dabit.†

"11. Qui inhonestum aliquid de communia dixerit in

nisi prius impetrata licentia a scabinis: de licentia autem eorum, villam intrare non poterit; nisi pugnum misericordie eorum exposuerit, aut novem libris ab eisdem scabinis redemerit. Quod si domum non habuerit, antequam villam intret, domum centum solidorum quam communia prosternat, inveniet; et quod in curatione vulneris vulneratus expenderit, eidem a vulnerante in integrum restituetur; et si pro pauperate solvere non poterit, misericordie scabinorum pugnum exponet." The eighth article of the charter of Amiens completes this by a provision relating to the *assurements*, which is wanting in the charter of Abbeville.

* This article, in which the words *prévôt royal*, which belong to the revision of 1190, are read for the first time, is abridged in the following manner in the 9th article of the charter of Abbeville:—"Si autem non juratus juratum vel non juratum vulneraverit, et judicium scabinorum subire recusaverit, a villa expelletur et judicio scabinorum delictum punietur."

† "Qui vero juratum suum turpibus leserit conviciis per tres testes vel duos convinci poterit, et, in convictum, secundum quantitatem et qualitatem convicii, a scabinis pena statuetur." (Charter of Abbeville, art. 10.)

audiencia quorumdam, si communie propalatum fuerit, et se quod illud non dixerit, judicum communie judicio defendere noluerit, domum illius, si poterit, prosternet communia, ipsumque in communia morari, donec emendaverit, non patietur, et si emendare noluerit, catalla ejus erunt in manu domini . . . et communie.*

* * * * * *

"14. Qui, clamore facto de adversario suo, per prepositum et majorem et judices communie justitiam prosequi non poterit, si postea adversus eum aliquid fecerit, illum rationabiliter communia conveniet, ejusque audita ratione, quid inde postea agendum sit, judicabit.†

"15. Qui a majoribus et judicibus et decanis, scilicet servientibus communie, submonitus, justitiam et judicium communie subterfugerit, domum illius, si poterunt, prosternent, ipsum vero inter eos morari, donec satisfecerit, non permittent, et catalla erunt in misericordia prepositi . . . . et majoris.‡

* This article has the word *Regis* after the word *Domini*, evidently substituted for *comitis* in the revision of 1190; it is thus abridged in the 2d article of the charter of Abbeville: "Qui vero inhonestum de communia dixerit in audiencia, et convinci poterit testibus, judicio scabinorum emendabit."

† We must understand by the words *justitiam prosequi non poterit*, not, shall be unable to obtain justice, but shall be prevented by any cause from following up his claim. This article is thus reproduced in the 14th of the charter of Abbeville: "Item, si quis de alio super aliquo clamorem fecerit et ei a judice justitia fuerit oblata, si postea sine auctoritate judicis, adversario suo injuriam fecerit, a scabinis super hoc conventus, ejusque audita responsione, quid super hoc agendum sit, a scabinis statuetur."

‡ In the charter of Abbeville this provision does not form

"16. Qui hostem communie in domo sua scienter receperit, eique vendendo et emendo et edendo et bibendo vel aliquod solacium impendendo communicaverit, aut consilium aut auxilium adversus communiam dederit, reus communie efficietur, et, nisi judicio communie cito satisfecerit, domum illius, si poterit, communia prosternet, et catalla . . . erunt.*

* * * * * *

"20. Qui judices communie de falsitate judicii comprobare voluerit, nisi, ut justum est, comprobare potuerit, in misericordia . . . . est et majoris et scabinorum, de omni eo quod habet.†

* * * * * *

"44. Si conventio aliqua facta fuerit ante duos vel plures scabinos, de conventione illa amplius non surget campus vel duellum, si scabini qui conventioni interfuerint, hoc testificati fuerint.‡

a separate article; it forms a part of the 12th article, which will be given in the following note.

* In this article, instead of *catalla regis erunt*, the reading must originally have been *catalla comitis erunt;* it is thus abridged in the 12th article of the charter of Abbeville: "Item, qui hostem scienter communie receperit in sua domo, et si participaverit in aliquo inimicus communie efficietur; et nisi judicio communie satisfecerit, tam illius quam alterius jurati qui judicium scabinorum subterfugerit, domus prosternetur."

† Instead of the words *in misericordia regis*, the reading must originally have been *in misericordia comitis;* it is again found, with some variations, in the 19th article of the charter of Abbeville: "Sciendum est etiam, quod quicumque scabinos de falsitate judicii infamaverit, nisi eos legitime convincere poterit, unicuique novem libras et aureum obolum persolvere tenebitur."

‡ "Preterea statutum est, quod si in presentia duorum vel

"45. Omnia ista jura et precepta que prediximus majoris et communie, tantum sunt inter juratos; non est æquum judicium inter juratum et non juratum."*

These sixteen articles, of which fifteen belong in an authentic manner, and one by conjecture, to the earliest communal law of Amiens, imply the existence of a city in the political meaning of the word, *i.e.*, of a city which is formed into a corporation and is self-governed, and which, in spite of the restraints which the times and circumstances may impose upon it, acts and pronounces with supreme authority on its own particular affairs. Like every political body, the commune of Amiens is restricted in two ways—in its action and in its rights: on one side by the limits of its territorial *circonscription,* and on the other by the legal distinction between the citizen and the stranger; or, according to the language of the new constitutional law, between him who belongs to the *commune* and him who does not, between the confederate (*juré*) and the non-confederate (*non-juré*). The district in which the juris-

trium scabinorum, contractus emptionis, venditionis, permutationis, pignoris vel alius contractus initus fuerit, eorum testimonio causa disrationabitur; salvo jure meo in eo qui convictus fuerit. Hoc idem erit, si carta publica et autentica a majore et scabinis tradita, dictis scabinis non apparentibus, fuerit producta." (Charter of Abbeville, art. 26.)

* This article is evidently original; we give it as such, although it is not repeated in any shape in the charter of Abbeville.—Below, Section IV., p. 187, see the complete text of the communal charter of Amiens.

diction of the city is exercised, and in which the authority of its magistracy extends to all, is first within the walls—the ancient *cité*, next without the walls—the precincts (*banlieu*), either determined according to the tradition of the old municipal recollections, or settled recently by agreement between the commune and the count. The city of Amiens thus enjoyed within these ancient limits, and in consequence of its revolution, the full exercise of the three sorts of right—the right of political liberty, the right of the administration of criminal justice, and also that of civil. The two last, as we have seen above, were, in a certain degree, inherent in the Roman as well as in the Gallo-Frank municipality; but the first, carried to such a height as to make the city a state possessing the right of war and peace with respect to its neighbours, and the right of legislation with respect to itself, was a state of things which had never before been witnessed—the original work of the twelfth century. In order to guarantee this privilege of urban sovereignty, there were at that time instituted, with a marvellous instinct, new constitutions, new magistracies, and an entirely new assumption of municipal power and independence.

It is a circumstance calculated to surprise at first sight, that the political right, the most exalted of all the new rights acquired by the city of Amiens, is the one which plays the least important part in its communal charter. Except the brief declaration of the reciprocal duties and exclusive privilege of those who

have taken the oath of the commune, and except the mention of the crimes of treason against the commune, and the infringement of its rights,* everything in respect to regulations and constitutional provisions appears to be silently implied. The *échevinage*, that supreme council to which all the powers of the commune were delegated, is merely named, by way of remembrance, in regard to the offences, the judgment of which is to belong to it henceforward. We are not told what is the number of its members, nor their different duties, nor the mode of their election, nor the revenues by means of which they are to administer the interests of the city. This omission is explained by the nature of the deed, which is an agreement made between the city and the count of Amiens, and by the state of political ideas, so different in the twelfth century from what they are at the present time.

The armed dispute between the *bourgeois* and their *seigneur* having been terminated by the defeat of the seigneurial government, the confederation, the commune was recognised by the count, together with the institutions which it had newly created; and it was of little consequence to the count under what form it should be organised for the future; no new dispute could result from that; there was, therefore, nothing under this head to require regulation in the compact of agreement.

* "Reus communie efficietur." (Communal charter of Amiens, art. 16.) "Faciat communia de eo ut de communie violatore." (Ibid., art. 3.)

The particular constitution of the commune of Amiens, the mode of electing its magistrates, the division of the duties between the various magistracies, the deliberations of the whole body of the *bourgeois*, as well as those of the supreme council, were points affecting the commune alone; its free decision in this respect was derived from the very fact of its existence. The *seigneur* had no interest to interfere in them, and the commune itself, on its part, was not driven by any pressing motive of utility to desire that any express and detailed account should be made of these arrangements of internal government.

But, as we have already said, the jurisdiction was the fundamental point, the most striking attribute of sovereignty in the twelfth century: in this the commune of Amiens discovered the right most liable to be disputed—the right which the dispossessed *seigneur* might resume in detail, diminish, question, or shackle it in its exercise, by the daily interference of his officers—the right, lastly, which it was absolutely necessary to guarantee for ever, by specifying, in an authentic manner, the various cases which constituted the full and entire application of it. The exercise of the right of justice heretofore belonged to the commune, but the profits attached to this right were to be divided between it and the *co-seigneurs* of Amiens; now it was necessary that this division should be expressly regulated for each kind of crime or offence. Among all those which the communal charter enumerates without regard to order, we

can distinguish three classes:—1. Crimes and offences against the commune, regarded as a body politic; 2. Crimes and offences against the persons of individual *jurés*, or members of the commune; 3. Crimes and offences against the goods of the *jurés*. The first category, that of political offences, is the most curious, because it forms the entirely new part of the municipal right of Amiens, and there was no usage or local tradition to supply the elements of it. This class of offences presents the peculiarity, that punishment, properly so called, is not appointed for any of them, but only a preliminary vengeance, which consists in the demolition of the house of the guilty, and his expulsion from the territory of the commune, until he may have given full satisfaction.

The first of state-crimes is the act of connivance or friendship, or merely pacific relations with an enemy of the commune. "He," says the charter, "who shall knowingly have received into his house an enemy of the commune, and shall have communicated with him, either in buying and selling, in eating and drinking, or in rendering him any kind of service whatever, shall be guilty of treason against the commune."* Whoever hinders the free passage of persons belonging to the commune, or of merchants who come to the city through its precincts, is considered as a violator of the commune, and to be treated as such.† Whoever flies

* Charter of Amiens, art. 16; charter of Abbeville, art. 12.

† Amiens and Abbeville, art. 3.

from justice is to be punished with banishment, and his house is to be destroyed.* Whoever makes injurious remarks upon the commune incurs the same punishment.† Such are the provisions common to the charters of Amiens and Abbeville, that is to say, to those which are authenticated as more ancient than the royal act of 1190. If we proceed further, and remark in this act other provisions, which are also probably original, we shall find the penalties of the political crime, the destruction of the house and banishment, applied to him who wilfully violates the constitutions of the commune, and to him who, when injured in a quarrel, refuses the composition adjudged, and likewise refuses to give security to his adversary.

A less penalty—for it requires the destruction of the delinquent's house alone, unless he prefers paying the value of it—is imposed on him who uses insulting language to the mayor while in the discharge of his duties, and on him who strikes one of the *jurés* sitting in court before the magistrates.‡ In this manner the destruction of the house—the vengeance of the commune when injured by treason or outrage—was at once a punishment in itself, and the token which rendered the sentence of conditional or absolute banishment more terrible in imagination. It took place in

* Amiens, art. 15; Abbeville, art. 12.

† Abbeville and Amiens, art. 11.

‡ See below, Section IV., articles 18, 8, 37, and 39, of the charter of Amiens.

the greater part of the communes of the north of France, with a gloomy and imposing solemnity, in the presence of the citizens, who were summoned by the tolling of a bell: the mayor struck the house of the condemned with a hammer, and workmen, employed in the public service, proceeded to the demolition, which they continued till not a stone remained.

An inexplicable peculiarity of the communal charter of Amiens is, that the crime of homicide is not even mentioned in it; nothing, in this respect, is either appointed or provided for. This omission, of which the cause escapes our inquiry, cannot induce us to believe that the punishment of voluntary or involuntary bloodshed was left in 1117 to the jurisdiction of the count, for such a reservation could not have failed to have been formally stated; and it is, moreover, proved that, in the years which followed, the commune exercised the right of high justice, which exercised, as was then said, the judgment in cases of blood.* In 1190, when Philippe-Auguste, become count of Amiens, reserved to himself, as belonging to the prerogatives of royalty, cases of rape and murder, that is to say, assassination, he made this reservation the subject of an additional article to the original charter, and from that time the jurisdiction of the commune, limited on this point, always continued to act in cases of homicide com-

* *Judicium sanguinis.* In the first volume of the *Rec. des Monum. inéd. de l'Histoire du Tiers Etat*, p. 99, see a letter of Stephen, abbé of St. Geneviève.

mitted with violence, or by simple accident. A custom of the city of Amiens, drawn up before 1250, lays down as the recompense of blows dealt with arms, "life for life, limb for limb."*

Another peculiarity of the charter of Amiens is, that all the penalties which it pronounces resolve themselves, or seem necessarily to be resolved, into pecuniary penalties. The person who has wounded one of his *jurés* is to lose his hand, or pay nine livres for the redemption of it; the house of the person who has insulted the mayor is to be pulled down; but the delinquent can redeem it at its value, *at the mercy of the judges*.† The words, *mercy of the commune* (*misericordia communiæ*), occur

* "Derechief, quiconques par ire faite ferra autrui ou navrera, par coi il perde" vie ou membre, celui pleinement membre perdera, vie por vie; s'il est tenus que "il s'en soit fuis, il sera banis et eskix de la banliue, sor le hart à tous jors." (In the *Rec. des Monum. inéd. de l'Hist. du Tiers Etat*, t. i., p. 121, see the complete text of this custom.) The commune of Abbeville, the penal law of which was modelled after that of Amiens, in the twelfth century, fills up, by a special article of its charter, the void which existed in the charter of the model commune:—

"Si quis fortuito casu vel precedente inimicitia, juratum suum occiderit, et super hoc convictus fuerit, domus ejus et omnia ad ejus mancionem pertinentia, prosternantur. Si vero Burgenses malefactorem poterunt invenire, de eo plenam justiciam faciant." (Charter of Abbeville, art. 20; *Rec. des. Ordonn. des Rois de France*, t. iv., p. 55.)

† "Novem libras pro redemptione pugni persolvet . . . . Aut, secundum pretium, domus in misericordia judicum redimatur." (Communal Charter of Amiens, art. 7, 37.)

again and again in regard to the fines, which, in the cases of the greatest importance, have no fixed amount. Besides the undefined satisfactions which were exacted by these formulas, *nisi cito satisfecerit, donec satisfecerit,* appear to have been nothing more than penalties at discretion.

This system of penal law was not, like the system of political organisation, a new institution, a creation of the commune; it was the ancient customary law of the city and county of Amiens. The application of pecuniary penalties for all kinds of crime was introduced, as a principle of law, into the midst of Roman Gaul at the invasion and settlement of the Germanic populations. So long as the distinction of the laws, as they affected individuals, continued, this principle was limited, in its action, to the judgments pronounced against men of barbarian origin. The descendants of the Gallo-Romans continued subject to the penalty of the Roman laws, and, as is known, the cities, even those of the north, were almost entirely peopled by indigenous inhabitants. But when the laws affecting individuals yielded and disappeared under the territorial jurisdiction of the *seigneurs,* and local usages were everywhere substituted in the place of the written laws, custom, within the cities as well as beyond them, necessarily favoured and developed the system of pecuniary penalties, at the expense of every other system.

In effect, the right of justice having become the

property of the *seigneur*, as the administrator of it, he felt it his principal interest to draw the best revenue possible from this property; hence it happened, that in the law of custom, at its earliest period, fines predominated over corporal penalties, and that, with respect to these last, the power of ransom was almost always allowed. When, by the municipal revolution in the twelfth century, the jurisdiction of the *seigneurs* in the cities was entirely, or in part, transferred to the cities themselves, they did not even think of making a new penal law. In this respect, as in the case of the civil law, they held to custom, and did not dream of making any innovation. Besides, even if they had perceived the necessity of it, a necessity more imperious of providing for the expenses of the public administration, of availing themselves of the financial resources for the present and future, would have decided them upon maintaining the old penal system, the returns of which must, for a long time, be regarded as the most abundant source of their municipal revenues.

The division of the judicial profits between the commune of Amiens and the *co-seigneurs*, whose jurisdiction was absorbed in its own, took place in a different manner with respect to the fines, properly so called, and the confiscations. With respect to the fines, the general rule of their division was,—two-thirds for the commune, and one for the count or the *seigneur*, within whose fief the crime had been committed; by exception,

however, the commune sometimes received three-fourths of the fines, and sometimes the whole.* With respect to the confiscations of chattels (*capitalia, catalla*), which, in the case of crime, formed part of the penalty, the absence of figures to determine their division affords reason to believe that the shares were equal between the commune and the *seigneur*; there were cases, however, in which the count, instead of the half, took the whole.†

The share which the commune of Amiens received from the sum total of its right of jurisdiction was, during the twelfth century, the principal branch of its ordinary revenues. It is doubtful whether the right of taxation, which the *échevinage* possessed over all the members of the commune, was exercised periodically, and in other cases besides those of strict necessity. The remainder

* "Novem libras, sex scilicet firmitati urbis et communie, et tres justicie dominorum, pro redemptione pugni persolvet. . . . . Novem libras dabit, scilicet sex libras communie et LX solidos justicie dominorum. . . . . Ille malefactor LX solidos persolvet; et de his habebit justicia dominorum viginti solidos. . . . . Viginti solidos dabit, quindecim scilicet communie et quinque justicie dominorum. . . . . Viginti solidos communie persolvet, ibi justicia dominorum nichil capiet." (Communal Charter of Amiens, art. 7, 38, 41, 6, and 40.)

† ". . . . Et . . . . catalla ejus erunt in manu domini *regis* et communie. . . . . Et catalla erunt in misericordia prepositi *regis* et majoris. . . . . In misericordia *regis* est et majoris et scabinorum de omni eo quod habet. . . . . Et catalla nostra erunt. . . . Et catalla *regis* erunt." (Ibid., art. 11, 15, 20, 9, and 16.)—We must remember that the word *regis* belongs to the revision made in 1190.

of the annual revenue consisted of the quit-rents paid by the tenants or farmers of the houses, lands, water-courses, fisheries, and garden-grounds, which belonged to the city, either as remains of the ancient municipal property, or in virtue of grants made by the count to form the new precincts. Moreover, there is ground to believe that a duty on the sale of real property,—a duty which, in the ancient registers of accounts, is called *issue de deniers*,—was collected from the commencement by the commune. Lastly, a fee (*un droit de nouvelle bourgeoisie*) was paid by each stranger who became a citizen of Amiens, or, as it was then expressed, was admitted into the commune (*entrait dans la commune*). This fee answered to the original contribution which, after the principle of the guild, all the members of the confederation had simultaneously deposited to form the first funds of the communal chest. With respect to extraordinary supplies, they were obtained by collections in money or in kind, and from loans which the commune contracted, on the security of stocks given on interest for life, or in perpetuity, at a higher or lower rate.

Such were the financial resources by means of which the *bourgeoisie* of Amiens were to provide for the expenses of its free government; for, as we have said above, the indirect taxes, collected in the city and its precincts, the duties on merchandise brought or exposed for sale, the customs and tolls, did not belong to it. With such slight resources the body of elective magis-

trates boldly took upon it the charge of internal order and external security, the custody of the city, the maintenance of the fortifications, the defence of all the civil interests. Probably, from the commencement, each member of the municipal body had the sphere of his public duties traced beforehand, and his department clearly defined. There were, in the body of the *échevinage*, special officers to discharge each branch of the administration, political affairs, civil and criminal judgments, finances, supervision of morals, control of streets and buildings. In consequence of the paucity of contemporaneous documents, it is, unhappily, impossible to define the demarcation of the different departments and respective duties of the magistrates; but we must suppose that they did exist at that time; and if they were not the same as appear afterwards, they were at least arranged according to some rule. In a word, if we wish to understand the full meaning and drift of acts which are too scarce or too incongruous to convey a clear impression, we must remember, at least, that we have now reached a period when municipal life appears in its full vigour.

## SECTION IV.

Grant made by Philip of Alsace, Count of Amiens—Cession of the County of Amiens to Philippe-Auguste, King of France —Confirmation of the Commune—Additional Articles of the Communal Charter of Amiens; its definitive Text.*

In 1161 Philip of Alsace, count of Flanders and Amiens, with the consent of his wife, Isabel, made a grant to the abbey of Saint-Jean-lez-Amiens.† The following words occur in the deed which was then drawn up: "I direct and prescribe to the mayor and the whole commune of Amiens, as well as to all others who owe me allegiance, to maintain in peace the pro-

* *Recueil des Monuments inédits de l'Histoire du Tiers Etat*, t. i., pp. 66, 101, 104, and following.

† The date of the accession of Philip of Alsace to the county of Amiens is very uncertain. Du Cange (*Histoire des Comtes d'Amiens*, p. 316) admits that Raoul II. of Vermandois presented the county of Amiens as a dowry to his daughter, Isabel, and that on the death of Raoul this domain passed into the hands of Isabel, who married, in 1156, Philip of Alsace. If this conjecture is adopted, it is necessary to suppose that Raoul III. only succeeded his predecessor in the county of Vermandois. According to another opinion, which seems much less probable, Raoul III. might have possessed the county of Amiens till the year 1164, the time of his death; and before this date Philip of Alsace and Isabel might not have assumed the titles of Count and Countess of Amiens, except as the governors of the county during the minority or illness of their brother.

perty of this church, and if it happen to be disturbed or attacked, to afford it assistance and protection in my stead."* It is as successor to the ancient counts, and heir of their seigneurial rights, that Philip of Alsace addresses this injunction to the citizens, and speaks to them as their supreme lord. We should not, however, infer from this imperative form of expression that his power was greater at Amiens in 1161 than that of the commune. From the year 1117 the political government within the city and its precincts belonged entirely to the *bourgeoisie*. The words which I have quoted, then, contain an appeal to the effective means of the commune rather than a delegation of the seigneurial power. In the year 1170 a letter of the count, Philip, placed in the same manner another abbey under the protection of the civic body. This letter, like that of 1161, proves, in my opinion, that the commune alone had at that time sufficient strength and authority to protect the civil and ecclesiastical possessions in an efficient manner, and to maintain peace and good order throughout the whole of the territory subjected to its jurisdiction.

Philip of Alsace, having lost his wife Elizabeth in

* "Majoribus totique communie Ambianis ceterisque meis hominibus mando et præcipio quatinus ejusdem ecclesie res in pace custodiant et eidem ecclesie in suis perturbationibus loco meo patrocinari non desistant." (*Rec. des Monum. inéd. de l'Hist. du Tiers Etat*, t. i., p. 67.)

1182, still kept possession of all the fiefs which she had brought to him as her dowry. Eleanor of Vermandois reclaimed the inheritance of her sister, and Philippe-Auguste, to whom she had secretly ceded a part of Vermandois and Amiénois, put in his claims to these domains. A war, already excited on account of them between the king and the count of Flanders, was terminated by putting Amiens in sequestration into the hands of the bishop of that city. Philippe-Auguste again took arms in defence of the interests of Eleanor in 1184; and the following year, Philip of Alsace, compelled to resign, abandoned all his rights over the county of Amiens to the king.

This cession would necessarily react upon the constitution of the commune. As king and count at once, Philippe-Auguste found himself suddenly invested with a twofold power in the city of Amiens. Without giving up his feudal title of count of Amiens, he took care to show in all his acts that royal power, which placed him above the *seigneurs* whose position he occupied, and he clearly established the difference which existed between his authority and that of the ancient counts. The latter, when they took possession of the county of Amiens, had to do homage to the bishop; Philippe-Auguste did not choose to discharge a formality which would have made him resemble a simple baron, and have been contrary to the idea of absolute sovereignty attached to the title of king. The follow-

ing is an instance of the manner in which he expressed himself in a charter granted to the church of Amiens in 1185 :—

"Let all, present and to be, know, that Philip, count of Flanders, having resigned to us the city and county of Amiens, we have clearly recognised the fidelity and devotion of the church of Amiens towards us; for not only has it displayed much devotion to us in this matter, but, besides, seeing that the tenure of the above-mentioned land and county belong to this church, and that it has the right of homage for them, this church has indulgently consented and agreed that we should hold its fief without rendering it homage, for *we neither ought nor can render homage to any*." *

The union of the county of Amiens to the crown could not, as we have said, remain without influence on the destinies of the commune. The relations of the *bourgeois* to the count and his officers had been determined in the charter which was drawn up in 1117; but the new order of things of necessity brought on a change, if not in the constitution of the city, and the nature of its relations to its immediate *seigneur*, yet at least in the manner of regulating, and especially of expressing, these relations. In this respect it was necessary to fix the principles and to certify the facts by an authentic document. In passing, moreover, under

* *Hist. de la Civilisation en France*, edition of 1840, t. iv., p. 142. See the general considerations with which M. Guizot has enriched this quotation.

the power of a new *seigneur*, the *bourgeois* of Amiens could not help feeling the necessity of making their municipal franchises known to him, and much more as that new *seigneur* was the king of France, who had united in his own person the entire local right of the count, and the general right of the sovereign. Such was the double object of the charter granted in 1190 by Philippe-Auguste, at the request of the *bourgeois* of Amiens — a charter which conceded (*concéda*) to them, according to its official tenour, or, more accurately, guaranteed to them, the establishment of the commune confederated in 1113, and constituted in 1117.

This charter, far from being a new act, only repeated, with the exception of certain modifications of form, and the regulation of certain more direct relations between the city and the royal power, the text of the charter which emanated from the first successor of Enguerrand de Boves. It consists of three distinct parts; to wit, 1, forty-five articles, which, in my opinion, formed the first charter which was deliberated upon by the *bourgeois*, and agreed to by the count, after the communal revolution; 2, a *memorandum* concerning the redemption of tolls, effected by the commune between the years 1144 and 1164;* 3, six additional articles annexed by the chancery of Philippe-Auguste to the original charter, when this charter was examined and revised.

* See the first volume of *Rec. des Monum. inéd. de l'Hist. du Tiers Etat*, p. 86.

It is easy to prove the history of this revision from the text of the document itself. The original of the constitutional act of 1117 existed from this date in the archives of the commune of Amiens; about 1160 was inscribed at the foot of this original, after the signatures, the memorandum relative to the redemption of tolls; and in this condition the charter was conveyed to the royal chancery, which maintained both its provisions and its form, with the exception of some alterations in the words. In the articles in which the title of count occurred, the title of king was substituted simply and without addition; the rest of the text was not subjected to the least correction; the formulas *præpositus noster* and the simple word *præpositus*, which had served to designate the *prévôt* of the count of Amiens, were retained to designate the *prévôt* of the king.* The signatures attached in 1117 were suppressed, and a memorandum of this suppression was made the subject of an article, the forty-sixth, after which the royal officers, without troubling themselves about the incongruity, placed their six additional articles.

These provisions, derived from a different source, formed the official code, the body of written law, by which the commune of Amiens was henceforth governed. I shall say nothing of the memorandum, which was placed by chance among the legal articles. With respect to the forty-five articles, of which I have already spoken in the notice which I took of those, which their

* See below, articles 2, 5, 6, and 9, 8, 12, 14, 31, and 43.

agreement with the charter of Abbeville points out as undoubtedly original, I have already examined them under two heads, that of the political and that of the criminal law. I shall now examine them under the head of the civil law, of which no mention has been made above, as the commune of Abbeville, finding in its local customs rules of civil law, did not borrow anything in this respect from the text of the communal charter of Amiens.

The civil usages, indeed, sanctioned by this charter in 1117, were of immemorial antiquity in the city and county of Amiens; they had existed long previously to the commune; and when the difference in the political institutions took place, they were registered, not decreed, by the enfranchised *bourgeois*. Two principles of law seem to have been then proclaimed for the first time; the one which restrained the abuses of the trial by duel, by appointing that no hired champion should be allowed to engage with a member of the commune;* the other, which, no doubt, derogating from the ancient custom, ordered that the accuser, the accused, and the witness might, if they chose, make themselves heard in every case by advocates.†

The traditional provisions which passed into the communal charter of Amiens from the ancient custom must be referred to three sources,—the Roman law, the traces of which, however faint and indistinct they may be, exist at the base of all our customs; the ancient law

* Article 17. † Article 33.

of the German populations; and that common law of the middle ages which is called the feudal law.

No article of the charter can be pointed out in particular as being derived from a formal text of the Roman law. The provisions of the 21st, 23d, 22d, 35th, and 32d, have reference in a greater or less degree to the German laws. Under the name of *dot,* the 21st article points out the dowry assigned by the husband to his wife, and declares it inalienable, without saying what its nature was in the usages of the city of Amiens—whether it were settled by custom, or merely conventional. The 23d article shows that the widow who had children under age was subjected to a sort of guardianship, and placed under the direction of a protector, whom some customs name a *mainbourg.** The 22d and 35th have relation to the division of property acquired during marriage, and in certain cases secure the revenue derivable from them to the surviving party.† Lastly, the 32d article declares the purchaser of a stolen object, who alleges his ignorance, not punishable, and it allows the judge in this case to exact the oath of both parties.‡

The provisions which are derived from the feudal law are found in the articles, in which the judicial com-

* See Laurière, *Gloss. du Droit Français,* on the word *mambournie.*

† See the law of the Ripuarians, under head 39.

‡ See the Salic Law, under heads 39 and 49 of the *lex emendata.*

bet is allowed, under certain restrictions, as a means of terminating civil suits; in the twenty-fifth article, which consecrates, while at the same time it modifies, the principle of redeeming family property; and in the eighth article, which establishes a penalty against a person who, being injured, refuses to give *assurement*, that is to say, security to keep the peace to his adversary.*

I call the attention of the reader, moreover, to the following provisions:—The twenty-sixth article fixes seven years as the term necessary to acquire the right of prescriptions. It is known that usage on this point has varied according to times and countries; and there is reason to believe that the charter of Amiens did no more than sanction a rule of local law, which could not be referred to any legislation. The forty-second article, which treats of injurious language made by one *juré* towards another, places, in the first line, as the most serious offence, the application of the name of serf. The thirty-sixth and thirty-seventh articles lay down a different penalty for injury done to the *maire* in the discharge of his duties, and for injury done to the *prévôt*; outrage on the person of the *maire* is a political crime, punished as such by the destruction of the delinquent's house; outrage on the person of the *prévôt* is a fault to be compounded for by agreement, after judgment given by the *échevins*, and without public punishment. The mainte-

* Beaumanoir, ch. 59, defines *assurement* one of the four ways to put an end to private feuds.

nance of these provisions in the revised charter of 1190 is worthy of remark. It proves that if the *prévôté* exercised at Amiens in the name of the king had some prerogatives above those of the ancient *prévôté* of the count, it was not any more than the latter a constitutional power; and, in regard to its dignity, it was still kept under the communal magistracies.

I now come to the six articles which contain the new provisions added to the original charter by the chancery of Philippe-Auguste. Their substance is as follows:—Suits relative to real property within the city shall be judged by the *prévôt* in open court three times a-year.—All crimes and offences shall be judged by the *maire* and *échevins* in presence of the *bailli* of the king, if he wishes to be present at the judgment; if he does not wish, or is unable to be present, justice shall be administered without him, except in the case of murder and abduction, which are reserved for the king.—The goods of homicides, incendiaries, and traitors, shall be confiscated to the king alone, without division with any other, that is to say, with any *co-seigneur*.—None shall have power to make a proclamation (*ban*)* in the city, except by permission of the king and the bishop.—The king, the *sénéchal* or the *prévôt* of the king, the bishop and the *maire*, shall have power, each once a-year, to admit an exile into the city, except in a case where condemnation has been pronounced for murder, homicide, incen-

* Ordinance, proclamation. (See Du Cange, *Glossar.*, on the word *bannum.*)

diarism, treason, and abduction. Such is the substance of the five first articles. With respect to the sixth and last, it is thus conceived :—"We will and grant to the commune, that it shall never be lawful for ourselves or our successors to cede away the said commune or city of Amiens, but that it shall remain in perpetuity, and without change, united to the royal crown." A guarantee was implied in this promise for the constitution and franchises of the city, which were henceforth secured against the dangerous eventualities of a change of *seigneur*.

If a recapitulation be now made of the modifications introduced into the municipal law of Amiens, by the substitution of the seigniory of the king for that of the count, and by the revision of the communal charter, it will be seen that these modifications affect simply the judicial government, and do not make any change at all in regard to the political rights. The seigneurial right of making proclamation or ordinance was, it is true, expressly reserved to the king and the bishop; but it was in respect of other *seigneurs* of Amiens, and not in respect of the commune, that this restriction took place. For, on the one hand, the articles of the original charter which mentioned the establishment of *échevins, statuta scabinorum,** received a fresh sanction by the maintenance given to them in the act granted in 1190; and, on the other hand, the documents subsequent to the twelfth century prove undeniably that the

* Art. 31, 38, and 43.

*échevinage* retained the power of making ordinances on all subjects, legislation, administration, justice, and police. I give below the perfect and definitive text of the communal charter of Amiens :—

"In nomine sancte et individue trinitatis. Amen.* Philippus Dei gratia Francorum rex, quoniam amici et fideles nostri cives Ambianenses fideliter sepius suum nobis exhibuere servitium, nos eorum dilectionem et fidem erga nos plurimam attendentes, ad petitionem ipsorum, communiam eis concessimus,† sub observatione harum consuetudinum, quas se observaturos juramento firmaverunt.

"1. Unusquisque jurato suo fidem, auxilium consiliumque per omnia juste observabit.

"2. Quicumque furtum faciens intra metas communie comprehendetur, vel fecisse cognoscetur, preposito nostro tradetur, et quicquid de eo agendum erit, judicio commu-

* This charter was published in the *Recueil des Ordonnances des Rois de France;* but the editors had not the original under their eyes, and the text which they have given of it, after a cartulary of Philippe-Auguste, is very faulty. In reprinting it here I have been able to avail myself of the variations which are found in an authentic copy of the letters of confirmation granted in 1209 by Philippe-Auguste, and copied from the text of that of 1190. (See the *Rec. des Monum. inéd. de l'Hist. du Tiers Etat*, t. i., p. 180.)

† It is scarcely necessary to observe that, in this charter, as in a multitude of others of the same kind, the word *concessimus* is a mere formula of the seigneurial style : the commune of Amiens had already existed seventy-three years. The right granted to the citizens by Philippe-Auguste was, not to form a *commune jurée*, but to preserve their commune, together with its institutions.

nionis judicabitur et fiet; reclamanti vero id quod furto sublatum est, si potest inveniri, prepositus noster reddet; reliqua in usus nostros convertentur.

"3. Nullus aliquem inter communiam ipsam commorantem, vel mercatores ad urbem cum mercibus venientes, infra banleucam civitatis disturbare presumat. Quod si quis fecerit, faciat communia de eo, ut de communie violatore, si eum comprehendere poterit, vel aliquid de suo, justitiam facere.

"4. Si quis de communione alicui jurato suo res suas abstulerit, a preposito nostro submonitus justitiam prosequetur; si vero prepositus de justitia defecerit, a majore vel scabinis submonitus, in presentia communionis veniet, et quantum scabini inde judicaverint, salvo jure nostro, ibi faciet.

"5. Qui autem de communione minime existens alicui de communia res suas abstulerit, justitiamque illi infra banleucam se executurum negaverit, postquam hoc hominibus castelli ubi manserit notum fecerit, communia, si ipsum, vel aliquid ad se pertinens, comprehendere poterit, donec ipse justitiam executus fuerit, prepositus noster retinebit, donec nos nostram et communia similiter suam habeat emendationem.

"6. Qui pugno aut palma aliquem de communia, preter consuetudinarium perturbatorem vel lecatorem, percusserit, nisi se defendendo se fecisse, duobus vel tribus testibus contra percussum disrationare poterit, coram preposito nostro, viginti solidos dabit, quindecim scilicet communie et quinque justitie dominorum.

"7. Qui autem juratum suum armis vulneraverit, nisi similiter se defendendo, legitimo testimonio et assertione sacramenti se contra vulneratum disrationare poterit, pugnum amittet, aut novem libras, sex scilicet firmitati urbis

et communie, et tres justitie dominorum, pro redemptione pugni persolvet; aut si persolvere non poterit, in misericordia communie, salvo catallo dominorum, pugnum tradet.

"8. Si vero ita superbus fuerit vulneratus, quod emendationem non velit accipere ad arbitrium prepositi et majoris et scabinorum, vel securitatem prestare, domus ejus, si domum habuerit, destruetur, et catalla ejus capientur; si domum non habuerit, corpus ejus capietur, donec vel emendationem acceperit vel securitatem prestiterit.

"9. Qui vero de communione minime existens, aliquem de communia percusserit vel vulneraverit, nisi judicio communie coram preposito nostro justitiam exequi voluerit, domum illius, si poterit, communia prosternet, et capitalia erunt nostra. Et si eum comprehendere poterit, coram preposito regio per majorem et scabinos de eo vindicta capietur, et catalla nostra erunt.

"10. Qui juratum suum turpibus et inhonestis conviciis lacesserit, et duo vel tres audierint ipsum, per eos statuimus convinci, et quinque solidos, duos scilicet conviciato, et tres communie dabit.

"11. Qui inhonestum, alicui, de communia dixerit in audiencia quorumdam, si communie propalatum fuerit, et se quod illud non dixerit, judicum communie judicio defendere noluerit, domum illius, si poterit, prosternet communia, ipsumque in communia morari, donec emendaverit, non patietur, et si emendare noluerit, catalla ejus erunt in manu domini regis et communie.

"12. Si quis de juratione erga juratum suum facta, vel fide mentita, comprobatus fuerit coram preposito et majore, judicio communie punietur.

"13. Si quis de communia prædam scienter emerit vel vendiderit, si inde comprobatus fuerit, prædam amittet

eamque prædatis reddet nisi ab ipsis prædatis, vel eorum dominis, adversus dominos communie vel ipsam communiam aliquid committatur.

"14. Qui clamore facto de adversario suo per prepositum et majorem et judices communie justitiam prosequi non poterit,* si postea adversus eum aliquid fecerit, illum rationabiliter communia conveniet, ejusque audita ratione quid inde postea agendum sit judicabit.

"15. Qui a majoribus et judicibus et decanis, scilicet servientibus communie submonitus justitiam et judicium communie subterfugerit, domum illius si poterunt, prosternent, ipsum vero inter eos morari donec satisfecerit, non permittent et catalla erunt in misericordia prepositi regis et majoris.

"16. Qui hostem communie in domo sua scienter receperit, eique vendendo et emendo et edendo et bibendo, vel aliquod solacium impendendo, communicaverit, aut consilium aut auxilium adversus communiam dederit, reus communie efficietur, et nisi judicio communie cito satisfecerit, domum illius, si poterit, communia prosternet, et catalla regis erunt.

"17. Infra fines communie non recipietur campio conducticius contra hominem de communia.

"18. Si quis communie constitutiones scienter absque clamore violaverit, et inde convictus fuerit, mox domum illius communia, si poterit, prosternet, eumque inter eos morari, donec satisfecerit, minime patietur.

"19. Statutum est etiam quod communia de terris sive feodis dominorum non debet se intromittere.

* We have said above, p. 161, note 2, that the words *justitiam prosequi non poterit* apply not to the case of the denial of justice, but to the neglect on the part of the plaintiff to obtain it.

" 20. Qui judices communie de falsitate judicii comprobare voluerit, nisi, ut justum est, comprobare potuerit, in misericordia regis est et majoris et scabinorum, de omni eo quod habet.

" 21. Mulier dotem quam tenet nec vendere, nec in vadium mittere poterit, nisi propinquiori heredi et nisi de anno in annum. Si autem heres aut non possit aut nolit emere, oportet mulierem tota vita sua tenere, per annum autem locare poterit.

" 22. Si quis vir et uxor ejus infantes habeant, et contingat mori infantes, quis eorum supervixerit, sive vir sive mulier, quicquid similiter possederunt de conquisitis, qui superstes erit, quamdiu vixerit, in pace remanebit et tenebit, nisi in vita premorientis donum vel legatum inde factum fuerit. Quod si antequam convenerint, vel vir vel uxor infantes habuerint, post decessum patris aut matris hereditas infantum ad eos redibit, nisi sit feodum.

" 22. Si mortuo marito uxor supervixerit, et infantes ejus vivi remanserint, mulier de omni possessione quam vir ejus in pace tenuerat, quamdiu infantes in custodia erunt, donec ipsa advocatum habeat, nisi sit vadimonium, non respondebit.

" 24. Si quis ab aliqua vidua pecuniam requisierit, ipsa contra unum testem, non contra plures, per sacramentum se deffendet et in pace remanebit; si vero ab ea aliquam ejus possessionem ut vadium requisierit, ipsa se per bellum deffendet.

" 25. Si quis terram, aut aliquam hereditatem ab aliquo emerit, et illa, antequam empta sit, propinquiori heredi oblata fuerit, et heres eam emere noluerit, nunquam amplius de ea illi heredi in causa respondebit. Si autem propinquiori heredi oblata non fuerit, et qui eam emerit,

vidente et sciente herede, per annum eam in pace tenuerit, numquam de ea amplius respondebit.

"26. Si quis septem annis aliquam suam possessionem presente adversario in pace tenuerit, numquam de ea amplius respondebit.

"27. Si quis alienus mercator aliquid vendiderit, et ipsa hora pecuniam habere non potuerit, ad dominum emptoris, vel ad prepositum domini prius clamorem faciet, et si una ei justitia defuerit, ad majorem clamorem deferet, et major ei cito pecuniam suam habere faciet, quecunque dies sit.

"28. Quicumque de promissione clamorem fecerit nichil recuperabit.

"29. Si quis major, aut scabinus, aut aliquis de justitia majoris, premium vel acceperit vel requisierit, et ille qui dederit, vel a quo premium quesitum fuerit, ad majorem clamaverit, vel testem super hoc habuerit, accusatus viginti solidos persolvet; et si premium acceperit, reddet.

"30. Quod si accusator testem non habuerit, ille qui accusabitur per sacramentum se defendet.

"31. Si quis ad prepositum clamorem deferet, et prepositus ei justitiam facere noluerit, clamator ad majorem clamorem deferet, et major prepositum ad rationem mittet ut ei justitiam faciat; quam si facere recusaverit, major, salvo jure regio, justitiam faciet, secundum statuta scabinorum.

"32. Si quis super aliquem aliquid quod suum est interciaverit, et ille qui accusabitur responderit se illud non a latrone scienter emisse, hoc pro quo accusabitur perdet, et ante justitiam per sacramentum se defendet, si prepositus vel justicia voluerit, et postea in pace abibit; et hoc idem faciet garanus, si hoc idem dixerit, tam primus

quam secundus et tertius; accusator autem hoc quod clamaverit, sacramento confirmabit, si voluerit ille qui justitiam tenebit.

"33. In omni causa et accusator et accusatus et testis per advocatum loquentur, si voluerint.

"34. De possessionibus ad urbem pertinentibus, extra urbem nullus causam facere presumat.

"35. Si vir et uxor aliquam possessionem in vita sua acquisierint, et eorum quispiam mortuus fuerit, qui superstes fuerit medietatem solus habebit, et infantes aliam. Si vir mortuus fuerit, aut uxor mortua fuerit, et infantes vivi remanserint, possessiones, sive in terra sive in redditu, que ex parte mortui venerint, ille qui superstes erit nec vendere, nec ad censum dare, nec in vadium mittere poterit, absque assensu propinquorum parentum mortui, aut donec infantes ejus absque custodia fuerint.

"36. Si quis prepositum regis, in placito vel extra placitum, turpibus et inhonestis verbis provocaverit, in misericordia prepositi erit, ad arbitrium majoris et scabinorum.

"37. Si quis majorem in placito turpibus et inhonestis verbis provocaverit, domus ejus prosternatur; aut secundum pretium, domus in misericordia judicum redimatur.

"38. Si quis juratum suum percusserit vel vulneraverit, et ille qui percussus fuerit clamorem fecerit quod pro veteri odio percussus sit, percussor rectum faciet, secundum statuta scabinorum, pro ictu, et post hoc pro veteri odio, aut per sacramentum se purgabit, aut rectum faciet communie. et novem libras dabit, scilicet VI libras communie et LX solidos justitie dominorum, et persolvet medietatem recti infra octo dies, aut totum, si scabini voluerint. Nullus enim pro eo qui percusserit, quicumque sit, aut vir aut mulier aut puer, sacramentum faciet.

"39. Si major cum communia et juratis in causa sedeat,

et aliquis ibi suum juratum percusserit; illius, contra quem in causa plures testes exierint, qui primus ictum dederit, domus prosternetur.

"40. Qui autem in causa jurato suo conviciatus fuerit viginti solidos communie persolvet, ibi justitia dominorum nichil capiet.

"41. Qui juratum suum in aquam aut in paludem jactaverit, si clamator unum testem adduxerit, et major immunditiam viderit, ille malefactor LX solidos persolvet et de hiis habebit justitia dominorum XX solidos. Si immundus nullum testem habuerit contra sanguinem vel immunditiam, per sacramentum se defendet, et liber abibit.

"42. Qui vero juratum suum, servum recredentem, traditorem, *wissot*,* id est *coup*, appellaverit, viginti solidos persolvet.

"43. Si filius burgensis aliquid forifacti fecerit, pater ejus pro filio justitiam communie exequetur. Si autem in custodia patris non fuerit, et submonitus, justitiam subterfugerit, uno anno a civitate ipsum extraneum esse oportebit. Si autem anno preterito, redire voluerit, secundum statuta scabinorum preposito et majori rectum faciet.

"44. Si conventio aliqua facta fuerit ante duos vel plures scabinos, de conventione illa amplius non surget campus nec duellum, si scabini, qui conventioni interfuerint, hoc testificati fuerint.

"45. Omnia ista jura et precepta que prediximus majoris et communie, tantum sunt inter juratos. Non est equum judicium inter juratum et non juratum.

"46. Ambianensium solebat esse consuetudo, quod, in festis apostolorum, de unaquaque quadriga per unam quatuor portarum urbis in villam introeunte, Guarinus Ambianensis archidiaconus obolum accipiebat. Major vero et

* Alias *wisloth*.

scabini, qui tunc temporis extiterunt, per consilium Theodorici, tunc episcopi Ambianensis, consuetudinem prefatam ab archidiacono, quinque solidis et quatuor caponibus, emerunt et ad censum ceperunt; et censum illum ad furnum Firmini de Claustro, extra portam Sancti Firmini, in valle situm, archidiaconus sumit.

"47. De omnibus tenementis ville justitia exhibebitur per prepositum nostrum, ter in anno, in placito generali: videlicet in Natali domini, in Pascha et in Penthecoste.

"48. Omnia autem forifacta, que infra banleugam civitatis fient, major et scabini judicabunt, et de illis justitiam facient, sicut debent, presente ballivo nostro, si ibi voluerit interesse; si vero interesse noluerit, vel non poterit, pro ejus absentia justitiam facere non desinent, sed debitam justitiam facient, excepto tamen multro et raptu, quod nobis et successoribus nostris in perpetuum retinemus, sine parte alterius.

"49. Catalla vero homicidarum, incendiariorum et proditorum nostra sunt absolute, sine parte alterius. In catallis vero aliorum forefactorum retinemus nobis et successoribus nostris id quod habuimus et habere debemus.

"50. Bannum in villa nullus potest facere, nisi per regem et episcopum.

"51. Si quis bannitus est pro aliquo forifacto, excepto multro, homicidio, incendio, proditione, raptu, rex, vel senescallus, vel prepositus regis, episcopus, major, unusquisque eorum semel in anno, poterit eum conducere in villam.

"52. Volumus etiam et communie in perpetuum quittamus et concedimus, quod, nec nobis, nec successoribus nostris, liceat civitatem Ambianensem vel communiam extra manum nostram mittere, sed semper regie inhereat corone.

"Quc omnia ut in perpetuum rata et firma permaneant presentem paginam sigilli nostri auctoritate et regii nominis karactere inferius annotato, salvo jure episcopi et ecclesiarum et procerum patrie et alieno jure, confirmamus. Actum Lorriaci, anno incarnati Verbi millesimo centesimo nonagesimo, regni nostri anno XI°. Astantibus in palatio nostro quorum nomina supposita sunt et signa: S. comitis Theobaldi, dapiferi nostri; S. Guidonis, buticularii; S. Mathei, camerarii; S. Radulphi, constabularii. Data vacante cancellaria."*

* *Rec. des Ordonn. des Rois de France*, t. xi., p. 264 and foll. —Baluze, *Miscellanea*, t. vii., p. 318.—*Bibl. Imp. Cartularies of Philippe-Auguste*, Collection of Cartularies, N°. 172, fol. 17 v°. Collection of the King, N°. 9852. A, fol. 43 v°., 9852. 3, fol. 56 r°., and N°. 8408. 2. 2, B, fol. 79 r°.—*Arch. Nationale*, Collection of Charters, reign of Philippe-Auguste, fol. 17 v°.

# APPENDIX I.

## PLAN OF A GENERAL COLLECTION OF UNPUBLISHED MEMORIALS OF THE HISTORY OF THE TIERS ÉTAT.*

THE idea of throwing light upon the sources and history of the Tiers Etat, by the publication of a large collection of original documents, belongs to M. Guizot, Minister of Public Instruction. It was he who intrusted me, in 1836, with the execution of this task, which, though zealously undertaken, has been too long delayed, in spite of my wishes, by unforeseen difficulties and the sad state of my health. It was intended to do, in respect of the third of the ancient orders of the nation, what French learning had already done more than two centuries ago in respect of the nobility and the clergy. Above all, I asked myself what a collection of the memorials of the history of the Tiers Etat, or of the plebeian classes in France, ought to be, and what materials of various kind it would be necessary to introduce. These materials, different according to the relation which they

* This paper is the Preface to the first vol. of the *Recueil des Monuments inédits du Tiers Etat.*

bear to the private or public character of individuals, to their position in the family, the corporation, or the commune, in the province or the state, appeared to me to fall naturally under four heads, requiring as many separate collections, of which I here give the summary:—

1. *A Collection of Documents relative to the Personal Condition of the Plebeian Classes, whether that of the Serf or the Freeman.*—Acts indicating the progressive modification of the ancient form of slavery to that of serfdom on the estate, and the commencement of property in the hands of servile families.—Enfranchisements of families or individuals with or without condition.—Privileges other than those of nobility granted to certain persons and families.—Grants of the title of *bourgeois* of the king.—Royal or seigneurial privileges obtained by peasants who were not united in a municipal community.—Petitions addressed to the supreme courts of the provinces and the parliament of Paris, for the enjoyment of the right of immunity both of person and property.—Judgments pronounced in favour of these demands or against them.

2. *A Collection of Documents relative to the Condition of the Bourgeoisie, considered in its various Corporations.*—Constitutive statutes of the ancient companies of arts and trades.—Acts and regulations relative to the freedom and wardenship of corporations to the councils of *prud' hommes* and consulates of commerce.—Royal or municipal ordinances concerning the practice of the law, the bar, medicine, and surgery, the exercise of all

the learned or unlearned, the liberal or industrial professions.

3. *A Collection of Documents relative to the Ancient Condition of Cities, Boroughs, and Parishes of France.*—Acts indicating the continuance of the Roman municipal system, and the condition of the inhabitants of cities prior to the twelfth century.—Charters of communes granted by the kings or the *seigneurs.*—Municipal statutes of the cities.—Municipal deliberations and regulations of urban police.—Ordinances delivered to increase, modify, or abolish, in such or such a locality, the communal rights and privileges.—Grants of fairs and markets.—Royal or seigneurial acts for the redress of grievances, or the grant of any kind of immunities in favour of cities, boroughs, or villages.

4. *Collection of Documents relative to the Part played by the Tiers Etat in the Assemblies of the General or Provincial States.*—Acts indicating the mode of election of deputies of the Tiers Etat for the cities and country districts.—Lists of deputies of the Tiers Etat to the assemblies, both national and provincial.—Recorded proceedings of the deliberations of the Tiers Etat.—Its preparatory or definitive *cahiers.*—Its proposals not contained in *cahiers* and speeches of its prolocutors.

When these classifications were established, and the course thus cleared in some measure, I gave up the ideal plan of a complete body of all the documents of the civil and political history of the Tiers Etat, to fall back in the execution of my design upon another less

logical, less regular, but more easy and practicable. I cut off the last class — that of acts concerning the states-general or particular — in consequence of the difficulty of isolating on all points that which relates to the Tiers Etat from that which concerns the two other orders in the frequently-intermingled mass of those acts. Besides, it will be an advantage for the history of the ancient assemblies, whether national or provincial, which are the roots of our representative system, to be the object of a special collection, undertaken on its own account, with a view to the collective part taken by the three orders, and not to the particular part of one amongst them. I joined the second and third classes in one collection—that of the municipal statutes and acts, and that of the statutes and rules of the companies of arts and trades. In my opinion, this fusion is rendered necessary by the intimate relations of the municipal and industrial life in the middle ages. Lastly, I deferred indefinitely and kept back, as a second series of the collection of the memorials of the history of the Tiers Etat, the collection of acts relative to the condition of the plebeian families,—a collection of less importance and of a nature less defined, and which, besides its special character, would serve as a supplement to the first.*

* For example, in regard to the insertion of general rules of industry and commerce, which, made for the whole kingdom, could not be classed under the name of any city in particular.

Thus the present Work will be a complete collection of the documents relative to the municipal history, and to that of the companies of arts and trades in the cities of France. The paper placed at the head of the first volume, as an introduction, is more general in its object. I composed it as if my plan of publication had embraced the four series of documents which I have enumerated above; it is, in a summary sketch, a history of the formation and progress of the Tiers Etat.

Three things I have still to hope for. Firstly, that the materials of the second series of this collection—a series deferred by me—may become in the hands of some other person the object of researches in libraries and archives, and that the result may be a publication capable of being annexed to this one. Secondly, that the request recently addressed to the Minister of Public Instruction, for a complete edition of the documents relative to the States-General, be entertained.* Lastly, that the local states may have a collection made of records on account of each province, and that in all parts of France a work so desirable may attract the zealous co-operation of all studious men, who are warmed at once by the love of historical knowledge and the love of their native land.

*Paris, February* 20, 1850.

* This request was made by M. Auguste Bernard, member of the Society of Antiquaries in France.

# APPENDIX II.

## LISTS OF THE DEPUTIES OF THE TIERS ÉTAT TO THE STATES-GENERAL OF 1484, 1560, 1576, 1588, 1593, AND 1614.

## FIRST LIST.

### STATES-GENERAL HELD AT TOURS IN 1484.*

*The Prévôté of Paris.*—Nicolas Potier, or Portier, a bourgeois of Paris; Gauchier Héber, likewise a bourgeois.

*The Members of the Tiers Etat elected for Burgundy, comprising those of Ostun and of Bar-sur-Seine:*—

M^r^ Guy Margueron,
M^r^ Regnault Lambert,
M^r^ Gauthier Brocard,
M^r^ Jean Rémond,
} all licentiates in law and *décrets.*

Pierre Martin, bourgeois of Chalons; Etienne Tut, or Tust; Guiot Court; M^r^ Nicole Cheste, member for Bar-sur-Seine.

*The Bailliage of Sens.*—Lubin, or Robin Rousseau.

* See the *Journal des Etats Généraux de France, tenus à Tours, en* 1484, *sous le Règne de Charles VIII.*, written in Latin by Jean Masselin, deputy for the Bailliage of Rouen, published and translated for the first time from the MS. of the Bibliothèque du Roi, by A. Bernier, Appendix V., p. 718. This list has been completed by means of two others, one of which, given by Masselin, is at p. 9 of the vol., and the other forms Appendix VI., p. 737.

*The Bailliage of Mascon.*—Me Ymbert Surcaillier, • or Fustaillier.

*The Bailliage of Auxerre.*—Jehan Renier, or Regnier.

*The Bailliage of Rouen.*—Jacques de Cramaire, or Croismare, Pierre Daguenet.

*The Bailliage of Caen.*—Philippes de Vassy, Jehan de Sens.

*The Bailliage of Caux.*—Jehan Nepveu.

*The Bailliage of Costentin.*—Me Jehan Poisson.

*The Bailliage of Evreux.*—Geoffroy Postes, Jehan des Planches.

*The Bailliage of Gisors.*—Robert du Vieu.

*The Bailliage of Troye.*—Jehan Hanequin, or Hannequin, · the elder, Me Guillaume Huyart, or Huynard.

*The Bailliage of Vitry.*—Me Remy Martin.

*The Bailliage of Chaumont.*—Me Pierre de Gyé.

*The Bailliage of Meaux.*—Me Philippes Batailler, Jehan Durant.

*The County of Toulouse.*—Oudinet le Mercier.

*The Bailliage of Tournay and Tournesis.*—Jehan Maure.

*The Bailliage of Vermandois.*—Me Jehan de Reims, Me Jehan Gruyer.

*The Sénéchaussée of Poytou.*—Me Maurice Claveurier, Jehan Laidet.

*The Sénéchaussée of Anjou.*—Me Jehan Binel, Jehan Barrault, or Bérault.

*The Sénéchaussée of the Maine.*—Me Jehan Bordier, François de l'Esparvier, Jehan Berf, Me Raoul Quierlavaine, or Crolavaine, Henri Cornilliau, Jehan Chambart.

*The Bailliage of Touraine.*—Jehan Briconnet.

*The Bailliage of Berry.*—Me Pierre de Brueil, or Vueil.

*The Country of Bourbonnais.*—Me Jehan Cadier, or Cardier.

*The Country of Artois.*—Me Guillebert Dautier, or D'Ostiel.

*The Sénéchaussée of Auvergne.*—Barthélemy de Nesson.

*The Bailliage of the Mountains of Auvergne.*—Me Jacques de Mas, or du Mas.

*The Sénéchaussée of Rouergue.*—Jehan Boissière, Anthoine Marcoux, Me Guillaume Poulmezade, or Poullemarde, Bernard Causonne, or Caussonne.

*The County of Roussillon.*—Ellise or Elie de Betheford. or de Bidefort.

*The Bailliage of Chartres.*—Machery de Billon.

*The Bailliage of Mante.*—Robert du Nesmes.

*The Bailliage of Orléans.*—Me Robert de Fauville, Me Richard Nepveu, Jehan Compain.

*The Bailliage of Alençon and County of the Perche.*—Guy Vibert, or Picart, Jehan de Rion, or de Ry.

*The Bailliage of Amiens.*—Me Jehan de Saint-Delitz.

*The Sénéchaussée of Ponthieu.*—Me Pierre Gaude.

*The Bailliage of Senlis.*—Me Guillaume Le Fuzellier.

*Peronne.*—Me Jehan de Belencourt.

*Roye and Montdidier.*—Jehan Bertault.

*The Bailliage of Montargis.*—Me Jehan Prevost.

*The Bailliage of Melun.*—Me Denis, or Georges, de Champnay, or Champnoy.

*The Country of Nivernois.*—Me Hugues Fouchier, or Soucher.

*The Country of Provence.*—François de Chasteau de Tours, Jehan André de Granalde.

*The Sénéchaussée of the Boulenois.*—Jehan le Grant.

*The City of Puissardin and the Territory of Cerdagne.*—Antoine Marcadez, vicar and captain of the said city.

*The City and Government of La Rochelle.*—Regné Ragot, Me Jehan le Flamant.

*The Sénéchaussée of Lodun.*—Pierre Chonet, or Chauvet.

*The Country of Forez.*—M[e] Jacques de Viry, judge of Forez.

*The Sénéchaussée of Angoulmois.*—M[e] Pierre Lombat, or Lombart.

*The Sénéchaussée of Lymosin.*—Jehan Audier, Pierre Charreyron.

*The Bas-Lymosin.*—M. Jehan Gouste, Estienne Mellier.

*The Sénéchaussée of Xaintonge.*—M[e] Amaurry Julien.

*The Duchy of Guyenne.*—M[e] Henry de Ferraignes, or de Fouraignes.

*The Sénéchaussée of Agénois.*—Jean de Gailleto.

*The Sénéchaussée of Périgort.*—M[e] Jehan Tricart, or Tugnart.

*The Town and Cité of Condon.*—Pierre de Porteria.

*The Country and Seigniory of Quercy.*—François Mercy.

*The Country of Dauphiny.*—Jordan Sonqueur, or Sonquert, Vial de l'Eglise, Estienne de Pisieux, or Puiseux, Jehan Mottet.

*The County of La Marche.*—M[e] Jehan Taquenot, or Touquenet, Jehan Raguet, Anthoine de Marsilhac.

*The Country of Beaujolois.*—Messire Ennemond Payen.

*The Sénéchaussée of Lyon.*—Bertrand de Salle Franque, or Sallebranque, prévôt of Lyon, Anthonie Du Pont.

*The Country and County of Fezensac.*—M[e] Mathurin Mollivelly, or Molliveby.

*The Charolois.*—Etienne Chanot Seigneur de Buxy.

The titles of different bailliages without any name of deputies follow.

## SECOND LIST.

### STATES-GENERAL HELD AT ORLEANS IN 1560.*

*City of Paris.*—Guillaume de Marle, prévôt des marchands, or mayor.

Nicholas Godefroy, } échevins,
Jean Sanguin, }

Claude Marcel, a bourgeois.

*Prévôté and Vicomté of Paris.*—Me Jean Martinet, for the said prévôté and vicomté of Paris.

## DUCHY OF BURGUNDY.

*Dijon.*—Me Jean le Marlet, or le Marle, Me Jean Massot, or Masson.

*Autun.*—Me Jacques Bretaigne, Me Jean Tallemant.

*Chalons-sur-Saone.*—Me Jean Renauldin, Me Claude Guilliaud.

*Auxois.*—Me Celse Dodun, or F. Dodun.

*La Montagne.*—Me Jean Reguier, Me Jean Legrand, Me Pierre Audinot, or Audinet.

*Macon.*—Me Gilbert Regnauld, judge of Clugny.

*Auxerre.*—Me Pierre le Briois, Me Pantaléon Pion.

*Bar-sur-Seine.*—Me Nicole Lauxerrois, or Nicolas Savard, Me Jean Viguier.

## DUCHY OF NORMANDY.

*Rouen.*—Jean Cotton, Jean Aubert, Raullin le Gras.

* *Recueil de Pièces Originales et Authentiques concernant la Tenue des Etats Généraux.* Paris, 1789, t. i., p. 17.

*Caen.*—Guillaume Gosselin, Jean le Hucy, or de Hurcy, François Langevin Livry, Macè Castel, or Chastel.

*Caux.*—Guillemeaude, Leonet Leclerc.

*Cotentin.*—M[e] Abel Perrier.

*Evreux.*—Jean Courtois, Guillaume Escochard, or Crochart.

*Gisors, including Pontoise and De Magny in addition.*—M[e] Nicolet Thomas, M[e] Cardin Saulnier, M[e] Jean Lecoq, Robert Guersant, Pierre Dailly, Nicole Lemoine.

*Alençon.*—M[e] Mathieu Petit, M[e] Robert Caiget, or Laignet, Etienne Payen.

## DUCHY OF GUIENNE.

*Bordeaux and Sénéchaussée of Guienne.*—M. Pierre Genestac, mayor of the said city, or Geneste, M[e] Jean de Lange, or Jean Lange.

*Sénéchaussée of Bazadois.*—Jean de Lavergne, Loys des Apats.

*Sénéchaussée of Périgord.*—M Bertrand Lombert, Jean de Beauvoye, Guillaume Surquier, Raymond Aimer, syndic of Périgord.

*Sénéchaussée of Rouergue.*—M. Arnauld Plane, or M. Raymond Querron.

*Sénéchaussée of Agénois.*—M. Michel Bressonade, or Boissonnade, M. Pierre Redus, or Rodier.

*Country and County of Comminges.*—Pierre Cambert, or Lambert.

*Country and Jugerie of Rivière-Verdun, Gaure, Baronnie of Léonac and Marestang.*—M. Jean Coutelier, Arnauld de la Borde.

*Sénéchaussée of Lannes.*—M. Etienne Bedonde.

*Saint-Sever.*—M. Jacques Duquoy, or Jean Bouyer, M. Martin Delalain, or Etienne Bousson.

*Albret.*—Jean Benier, or Jacques Duquoi, Etienne Bouffon, or Martin du Sauxe.

*Sénéchaussée of Armagnac.*—Claude Idron, Jean de Forgéac, or Forgerac, Antoine Burin, Guillaume Magnan.

*Condom and Gascogne.*—M. François Dufranc, Jean Malac, or Malat.

## HAUT-LIMOSIN.

*City of Limoges.*—M. François Duquerroy, Jean Bayart, Jean Dubois.

*Bas-Limosin, comprising Tulles, Brive, and Userches.*—M. Etienne de Lettang, M. Bertrand de Loyac, or des Loyal, M. Martin Boursac, M. Jean Gloston, or Closton, Etienne Binet, or Bivet, Jean Regis, or Roguier.

*Quercy.*—M. Jean Sabatier, M. Guischard Scorbiat, or Hirobiat, Raymond Vetyer.

*Duchy of Bretagne.*—M. Jean de Bonnefontaine, M. Jean le Loup, M. Pierre Delisle.

## COUNTY OF CHAMPAGNE.

*Troyes.*—M. Philippes Belin, Denis Cleray, or Clairet, Jean Puillot.

*Chaumont.*—M. Nicole Chavoine, or Chanoine, M. Jacques Nobis, or Nollet, François Legrand.

*Vitry.*—M. Philibert Glayne, or Glame, M. Claude Godet, Antoine Morel, or Mois.

*Meaux.*—M. Jean Frolo, or Frollo, M. Rolland Pietre, or Roland Frollo, priest, Nicole Sanguin.

*Provins.*—M. Jean de Ville, François Bellot.

*Sezanne.*—Nicolle Pollet, Prudent de Choiselat, Jean Alart, or Alarre.

*Sens.*—Robert Aymard, Claude Gouley, or Goutry.

## COUNTY OF TOULOUSE AND GOVERNMENT OF LANGUEDOC.

*Toulouse.*—M. Guy Dufaur, or Dufour, M. Claude Ternon, or de Thermion.

*Beaucaire.*—Jean d'Albénas, Guillaume de la Mote, or de Motie.

*Carcassonne and Beziers.*—M. Pierre du Poix, or Poids, M. Jacques Mercier, Jean Defolletier, or Folestier.

*Montpellier.*—Guillaume Tuffany.

*Lauraguais.*—Bernard Faure, or Favory.

*Bailliage of Vermandois.*—M. Jean Gosat, or Gossat, M. Pierre Noel, M. Jacques Demorillon.

*Sénéchaussée of Poitou.*—M. François Aubert, M. Jean Maineteau, or Manteau, M. Jean Brisseau, M. Claude du Moussel, or Monttret.

*Sénéchaussée of Anjou.*—M. Guy Celunier, or Gui de Sinner, M. François le Buret, François Marquis, Etienne Berte.

*Sénéchaussée of the Maine.*—Philippe Tharon, or Charron, Jacques Chapelain, Jacques Brulé, or Bruslet.

*County of Laval.*—Etienne Journée, Jean Bordier, the elder, or Bondue.

NOTE.—The said Tharon, Chapelain, and Brulé, opposed the enrolment of the said Journée and Bordier, as they were all three deputies for the whole sénéchaussée of the Maine, to which the county of Laval belonged.

*Bailliage of Touraine.*—M. Jean Bourgeau, or Bourgeois, Astrémoine Dubois, Jean Bolodeau, or Belaudecau.

*Amboise.*—M. François Fromont, or Fromond, M. Helye de Lodeau, or Todeau, M. Réné de la Cretonnière, or de la Bretonnerie.

*Berry.*—M. Claude Duverger, M. Jean du Moulin, or Moulut.

*Saint-Pierre Le Mousteir.*—M. Antoine de Reuil, M. Jean Corrier, or Couris.

*Bourbonnois.*—Jean Feydeau, or Foideau, M. André Feydeau, M. Antoine de la Chaise, M. Pierre Carton.

*Forez.*—M. Jean Papon, M. Guichard Cotton.

*Beaujolais.*—M. Hugues Charton, M. Claude Chapuis, or Charpuis.

*Sénéchaussée of Auvergne.*—M. Jean de Murat, M. Jean Dupré, M. Julien de Marillac, M. Pierre de Touzoux, or Longvy, Jean Milles, or Millet.

*The Bailliages of the Mountains of Auvergne.*—Girard de Saint-Mamet, Girard Rabier, Jean Busson, Jean Vignier, Antoine Costel, Guillaume de Ryno, M. Guy Moussier, or Roussier, for Salers and Valmouroux.

NOTE.—The said Moussier was not enrolled; the other deputies maintaining that he had no claim for Haute-Auvergne.

*Sénéchaussée of Lyon.*—M. Pierre Groslier, Antoine Bouyin, Mathieu Pany, Jean Mandas, Claude Graves, or Grave.

*Bailliage of Chartres.*—Jean Couldier, or Couldrier, M. Ignace Olive, Pierre Beaudoin, Michel Ribier, Barthélemy Dupont, Jacques Gondo, or Goudet.

*Dreux.*—M. Pierre de Rotrou, M. Jacques Chaillon.

*Bailliages of Mantes and Meulan.*—M. Jean Fizeau, or Fuzeau, Pierre Jouvelet, or Jouvelet, Etienne Piget, Jean Douvenoult, or Donnecourt.

*Bailliage of Orléans.*—M. Pierre de Montdoré, Jacques Bourdineau, Guillaume Beauharnois, Jean Mainfranc, or Maniferme.

*Gien.*—M. Pierre le Noir, M. Jean Chazeray, or Chazeran, M. Simon Dasnières, or d'Amulliers.

*Montargis.*—Nicole, or Nicolas Charpentier.

*County and Bailliage of the Perche.*—M. Michel Rochard, or Rochau, M. Nicole Goulet, or Groullet.

*Bailliage and Barony of Chateau-Neuf in Thimerais.*—Jean Tuffe.

*Bailliage of Amiens.*—M. Jean Dugard, or Duguast, M. François Sorion.

*Sénéchaussée of Ponthieu.*—Jean Maupin, M. Adrien de Béarin, or Meuzin.

*Sénéchaussée of Boulenois.*—M. Fourcy de la Planche.

*Péronne.*—M[e] Adrian le Febvre, or le Fébure, Martin Bouchart, or Bouchart, Michel Ponchin, or Bouchin.

*Montdidier.*—M. Romain Pasquier, Claude Vyon, or Rion.

*Roye.*—M. Gabriel Cornette.

*Senlis.*—M. Jean-Berthelemy, or Barthelemy, M. Pierre Aubert.

*Bailliage of Valois.*—M. Jacques Tangueul, or Longueil, M. Nicole Bergeron.

*Clermont in Beauvoisis.*—M. Jean Fileau, Nicolas Puleu, or Pelu.

*Chaumont in Vexin.*—M. Nicolas Faguet, Pierre Dorgebray, Guillaume Roulet.

*Bailliage of Melun.*—M. Dreux Janare, or Janure, Gabriel Bourdin, syndic of the city, M. Jean Bourdier.

*Nemours.*—M. Guillaume le Doyan, or Doyen, M. Jean Tibailleur.

*Nivernois and Donziois.*—M. Guy Rapine de Sainte-Marie, M. Charles de Grantrye, or de Grantue, M. Guy Coquille.

*Dauphiné.*—Grimodan, Viennois, Saint Marcellin, Embrun, Gap, Briançon, Monthélimar, Breil and Die, M. Jean Robert, M. Pierre Boissart.

*The Town and Government of La Rochelle.*—M. Amateur Blandin, M. Pierre Savignon.

*Sénéchaussée of Angoumois.*—Hélye de la Place, M. Sébastien Bouteiller, or Boutheillier.

*Bailliage of Monfort and Houdan.*—M. Jacques Gossainville, or Genssumille, M. Guillaume Troussart, or Toussart, M. Jean Suatin.

*Etampes.*—M. Girard Gueruchy, or Guercivy, Jean Chompdoux, or Champedoux, M. Simon Audran, M. François Gervaise.

*Dourdan.*—Michel de Lescorne.

*Blois.*— . . . . . . . . . .

*Noyons and Soissons.*— . . . . . . . . . .

TOTAL, 224 Deputies.

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## THIRD LIST.

### STATES-GENERAL HELD AT BLOIS IN 1576.*

*City of Paris.*—Me Nicolas Lhuillier, prévôt des marchands, or mayor of the city of Paris, Me Pierre Versoris, councillor in the Parliament of Paris, Me Augustin le Prévôt, échevin of the said city.

*Prévôté of Paris.*—Me Charles de Villemonté, king's attorney in the Châtelet of Paris, for the prévôté and vicomté of Paris.

* *Recueil de Pièces Originales et Authentiques concernant la Tenue des Etats Généraux*, Paris, 1789, t. ii., p. 21.

## BURGUNDY.

*Bailliage of Dijon.*—Me Pierre Jamin, Me Guillaume Royer.

*Bailliage of Autun.*—Me Georges Bonot, or Baiot, Me Claude Bertaut, or Bretaut.

*Bailliage of Chalons-sur-Saone.*—Me Nicolas Julien, or Julian, Me Claude Guilland, or Guillaud.

Me Pierre Villedieu, }
Me Benoit Laurin, } did not prove their qualifications.

*Bailliage of Auxois.*—Me Philibert Espiard, Me Georges de Clugny.

*Bailliage of La Montagne.*—Me Edme Raymond.

*Bailliage of Macon.*—Me Jean Bouyer.

*Bailliage of Bar-sur-Seine.*—Me Jacques Vigner and Joseph Durud.

*Bailliage of Auxerre.*—Me Nicolas Brigedé, Me Germain Boirot, Me Germain Grellé, or Greel.

## DUCHY OF NORMANDY.

*The City and Bailliage of Rouen.*—

Me Emery Bégot, }
Me Jacques le Seigneur, } for the city of Rouen.

Me Antoine le Barbier, for the bailliage.

*The Bailliage of Caen.*—Me Martin Varin.

*Bailliage of Caulx.*—Guillaume de la Frenaye.

*Bailliage of Constentin.*—Gration Bouillon.

*Bailliage of Evreux.*—Me Thomas Duvivier.

*Bailliage of Gisors.*—Jean Langlois, Jaques Acar

*Bailliage of Alençon.*—Me Thomas Comier, or Corvier. J. James.

*County and Bailliage of Dreux* — . . . . . . .

## DUCHY OF GUIENNE.

*Sénéchaussée of Bordeaux.*—Me J. Emar, and François de la Rivière.

*Sénéchaussée of Bazas.*—Jean de Pauvergne, or de Lauvergne, Archambault Rollé, or Roolle.

*Sénéchaussée of Périgord.*—Me Hélie de Jan.

*Sénéchaussée of Rouergue.*—Me François de Lieu, or du Rivi, Me Pierre Lourany, or Courany.

*Sénéchaussée of Saintonge.*—Me Mathurin Gilbert.

*Sénéchaussée of Agénois.*—Michel Boissonnade.

*Country and County of Comminges.*—Me J. Bertin.

*Country and Jugerie of Rivières-Verdun, Gaure, Barony of Léonac and Marestans, d'Acques and Les Lannes.*— . . .

*Saint-Sever.*—Bernard de Caplane.

*Albret.*—Joseph Desbordes.

*Sénéchaussée of Armagnac.*— . . . . . . . .

*Condom and Gascony.*—J. Imbert and Léonard de Milet.

*Haut-Limosin and City of Limoges.*—Me Simon de Bouais, or Dubois, Me Paris de Bouat, or de Luat.

*The Bas Limosin, comprising Tulles, Brives, and Userches.*—Me De la Fagerdie, Me Pierre de Lescot, Me Jean Bonnet, or de Bonner.

*Sénéchaussée of Quercy.*—Me Pierre de Regaignac, Me J. de Marignac, sire Jean Paufade, or Ponsas, Me P. de la Croix.

*The Duchy of Britanny and its Dependencies.*—

| | |
|---|---|
| Me Artus de Fourbeur, Me Pierre Martin,<br>Me Roland Bourdin, Me Pierre le Boulanger,<br>Me François Mouan, or Mocan,<br>Me Robert Poullan, Me Jean le Gobien,<br>Me Pierre Gautier, | deputies general for the Duchy. |

Roland Charpentier,<br>M^e Bernard le Bihan,<br>M^e Guillaume Guyneman, or Guindinau, } deputies special.

## THE COUNTY OF CHAMPAGNE AND BRIE.

*Bailliage of Troyes.*—M^e Philippe Belin and Pierre Belin.

*Bailliage of Chaumont in Bassigny.*—M^e Nicolas Jobelin, M^e François Goutière, Robert Nurion, or Menorier.

*Bailliage of Vitry.*—M^e Jacques Linaige, or Lignage, M^e Germain Godet.

*Bailliage of Meaux.*—M^e Rolland Gosset, or Cossol, Jean Lebel.

*Bailliage of Provins.*—Gérard Janvier.

*Bailliage of Sezanne.*—M^e François de Villiers.

*Bailliage of Sens.*—M^e J. Rocher, or Richer.

*Bailliage of Langres.*—

M. Antoine Bouvot,<br>M. Guillaume Medard, } special deputies for Sens.

*Bailliage of Chateau-Thierry.*—Jean Marteau.

## THE COUNTY OF TOULOUSE, AND GOVERNMENT OF LANGUEDOC.

*Sénéchaussée of Toulouse.*—M^e Bernard de Supersanctis, M^e Samson de la Croix.

*Sénéchaussée of Beaucaire.*— . . . . . . . . .

*Bailliage of Vellay and Sénéchaussée of Puy.*—Guy Bourdel, called Yraël, or Yrail, Guy Delignes, or de Lyques.

*Sénéchaussée of Carcassonne and Béziers.*—M^e Raimond Leroux, M^e Gibaon, or Gibron.

*Montpellier.*— . . . . . . . . .

*Sénéchaussée of Lauraguais.*—Antoine de Lourde.

*Bailliage of Vermandois.*—M[e] Jean Bodin.

*Saint-Quentin-sous-Vermandois.*—François Grain.

*Sénéchaussée of Poitou and of Maillezais.*—M[e] Pierre Rat, M[e] Joseph le Chasele, or le Basile,

M[e] Léonard Thomas, M[e] André le Beau, } deputies of Montmorillon-sous-Poitou.

*Sénéchaussée of Anjou.*—M[e] Hilaire Juheau, Jean Cotte-blanche.

*Sénéchaussée of the Maine, comprising the County of Laval.* —M[e] Pierre-Philippe Taron, M[e] Mathurin Rochet, Jean Luonere, or Tourne, for the county of Laval.

*Bailliage of Touraine and Amboise.*—M[e] Gilles Duverger, M[e] Guillaume Ménager,

M[e] Pierre Blondel, M[e] Louis Trincaut, } for the sénéchaussée of Loudunois.

*Bailliage of Berry.*—Jaques Gallot, or Gassot, M[e] François de Valentiennes, M[e] Gabriel Bonnyn.

*Bailliage of Saint-Pierre-le-Moustier.*—M[e] Jean Guyot.

*Sénéchaussée of Bourbonnois.*—M[e] Guillaume Duret, Etienne Mallet, or Mulse, Hugues de Cuzy.

*The Bailliage of Forez.*—M[e] Pierre Pommier, M[e] J. Bouzier.

*Bailliage of Beaujolais.*—M[e] Aimé Choulier.

*Sénéchaussée and Country of La Basse-Marche.*—M[e] Jaques Brujas.

*Sénéchaussée of the Low Country of Auvergne.*—M[e] Jean Vectoris, or Textoris, M[e] Jean de Basmaison, and Pougnet, M[e] Antoine de la Chaize, Guérin Faradesche, Christophe Pinadon.

*Bailliage of the Mountains of Auvergne.*—M[e] J. Mirot, or de Murat, M[e] Jean Brandon, or Gravidon, M[e] Annet Tavernier, M[e] François Guillebault.

*The Sénéchaussée of Lyon.*—Antoine Scarron, J. de Massot, Philibert Pérault pour le plat pays de Lyonnois.

*The Bailliage of Chartres.*—M^e^ Ignace Ollive, M^e^ Nicolas Guyard.

*The Bailliage of Orléans.*—Jaques Chauvreux, M^e^ Jean Malaquin.

*The Bailliage of Blois.*—M^e^ Simon Riolle.

*Bailliage of Dreux.*—M^e^ Bernard Couppé.

*The Bailliages of Mantes and Meulan.*—M^e^ Jean Phiseau, M^e^ Jaques Uion, Eustache Pigis, or Pigas.

*Bailliage of Gien.*—M^e^ Pierre Arnoul.

*Bailliage of Montargis.*—M^e^ Nicolas Charpentier.

*Bailliage of the Perche.*—M^e^ Joseph Brissart, or Brizard, Etienne Gaillart.

*Bailliage of Chateau-Neuf.*—Jean Moreau, Etienne Contereau.

*Bailliage of Amiens.*—M^e^ Jean le Quien, M^e^ Jaques Picard.

*The Sénéchaussée of Ponthieu.*—M^e^ Pierre le Boucher.

*Sénéchaussée of Boulonnois.*—M^e^ Fursi de la Planche, M^e^ Pierre Declerc, for Calais and regained country.

*Péronne, Roye, Montdidier.*—

Foursi de Frémicourt, or de Fremiervot, M^e^ Robert Choquet, } for Péronne;

Florent Gayant, labourer, for Roye; Antoine Bignon, or Mignon, for Montdidier.

*Bailliage of Senlis and Chamount in Vexin.*—M^e^ Jean Paul mart.

*Bailliage of Valois.*—M. Loys des Avenelles, or Anevillers, prévôt of Crépy.

*Bailliage of Clermont in Beauvoisis.*—M^e^ Charles Cuvelier.

*Bailliage of Melun.*—Louis Martinet.

*Bailliage of Nemours.*—M^e^ Jean Thiballier.

*Bailliage of Nivernais and Donziois.*—M^e^ Guy Coquille, M^e^ Martin Roy.

*Country of Dauphiny and its Dependencies.*—Me Jaques Colas, Me Benoît de Flandrois, or de Flandres, Me Charles Milhard, or Myliard, Claude Arnauld, called Vallon, Claude David, Me Guillaume Leblanc, Me Gaspard Busso, Me Michel de Vezic, Me François Allan, Me Jean Debourg, for the bailliage of Vienne-sous-Dauphiné.

*Bailliage and Government of La Rochelle.*— . . . . . .

*Sénéchaussée of Angoumois.*—Me Guy Cottin.

*Bailliage of Montfort and Houdan.*—Me Noël Ruffron, Nicolas Guyot, labourer.

*Bailliage of Estampes.*—Me Jean Houy and François Gougain, called Chavron.

*The County of Provence.*—Antoine Thoron and Me Louis Lévêque.

*The City of Marseilles.*—Me François Sommat.

*The County of La Marche.*— . . . . . .

*Chatellerault.*—Jacques Berthelin, Antoine Belay.

*The Fortress Aleps, or Alais.*—Grégoire Audiger, Marchand, labourer.

*Bailliage of Vendosmois.*—Me Réné Dupont, Me Nicolas Bouchart.

*The Sénéchaussée of Aix.*— . . . . . .

*The Sénéchaussée of Bayonne.*— . . . . . . .

*Marquisat of Saluces.*—Me Pierre de Chastillon, François Marabot.

Deputies of the Tiers Etat, 150, without reckoning those who attended after the first session.

## FOURTH LIST.

### STATES-GENERAL HELD AT BLOIS IN 1588.*

*City, Prévôté and Vicomté of Paris.*—Michel Marteau, prévôt des marchands; Etienne de Neuilly, president of the Exchequer Court; Jean de Compans, échevin; Nicolas Auroux, Louis Bourdin, } bourgeois; Louis d'Orléans, advocate.

## BURGUNDY.

*Bailliage of Dijon.*—Bernard Coussin, échevin; Etienne Bernard, advocate.

*Bailliage of Autun.*—Audet de Montagu, lieutenant-general; Philbert Venot, échevin.

*Bailliage of Chalons-sur-Saone.*—François de Thesen, councillor; Salomon Clerguet.

*Bailliage of Auxois.*—Claude de Bretaigne, Jehan Guillaume.

*Bailliage of La Montagne.*—Edme Remond, Jean Guennebault.

*Bailliage of Charollois.*—Girard Saulnier, Claude Maletes.

*Bailliage of Macon.*—Philibert Barriot.

*Bailliage of Auxerre.*—Jehan Naudet, avocat du roi; Joseph le Muet, bourgeois.

*Bailliage of Bar-sur-Seine.*—Jehan de Laussurois.

* *Recueil de Pièces Originales et Authentiques, concernant la Tenue des Etats Généraux.* Paris, 1789, t. iv., p. 24.

## DUCHY OF NORMANDY.

*The City and Bailliage of Rouen.*—Robert de Hannivel, Guillaume Colombel, Guillaume de Parde.

*The Bailliage of Caen.*—Jehan Vanquelin, Nicolas le Pelletier, échevin of the said city, Lambert Bunel de la Fosse.

*Bailliage of Caulx.*—Gessin Vasse.

*Bailliage of Coustantin.*—Jean Pierres.

*Bailliage of Evreux.*—Christophe Despaigne.

*Bailliage of Gisors.*—Robert le Page, Jean Dehors.

*Bailliage of Alençon.*—Nicolas le Barbier, Jean James, Antoine le Mollinet.

## THE DUCHY OF GUIENNE.

*Sénéchaussée of Bordeaux.*—Thomas de Pontac, Fronton Duverger, Pierre Metyvier.

*Sénéchaussée of Bazas.*—Jean de Lauvergne, Jacques Janvier.

*Sénéchaussée of Périgord.*—Helie de Jehan, Remond de la Brosse.

*Sénéchaussée of Rouergue.*—Pierre de Gorravy, Hugues Caulet, Joseph de la Roche, Guillaume de Marsitan.

*Sénéchaussée of Saintonge.*—Etienne Soulet.

*Sénéchaussée of Agénois.*—Jehan de Brauchut.

*Country and County of Comminges.*—Sébastien de Lazalas, Philippe d'Audnac.

*Country and Jugerie of Revières-Verdun, Gaure, Barony of Lernac, Marestans, of Ax, Sénéchaussée of the Lannes.*— . . . . . . .

*Saint-Severt, Albret.*— . . . . . . .

*Sénéchaussée of Armagnac.*—Dominique Virres.

*Sénéchaussée of Condomois.* — Jean Dufranc, lieutenant-general of Condom; Arnault Danglade.

*Haut-Limosin and City of Limoges.* — Michel Martin, Emery Guibert.

*The Bas-Limosin, comprising Tulles, Brives, and Userches.* —Antoine de Lestang, Pierre de Chenailles, Jean de Maruc, Martial Chassain, Ramond Bonnet.

*Sénéchaussée of Quercy.*—Pierre de Regaignac, advocate, Paul de la Croix, syndic of the states; Pierre Arnauldy, advocate.

*Sénéchaussée of Poitou, Fontenay, and Niort.*—Louis de la Ruelle, Pierre Gasteau, Adam Firagneau, Guillaume Giraudeau. Entered twice: *Pierre Gasteau, Guillaume Girandeau.*

*Sénéchaussée of Chatcllerault.*—Jean Raffetau.

*Britanny.*—Robert Poullin, sieur de Geures, Pierre Martin, king's advocate in the presidial court of Rennes: Antoine de Prenezay, king's advocate in the principal court of Nantes; Guillaume Godet, advocate in the court of Parliament of Britanny; Bouvalet Bis, advocate in the said court, and procureur syndic of the bourgeois of Rennes; Guillaume Chedanne, bourgeois of Vannes; Jean Picot, procureur syndic of Saint-Malo; Gabriel Hus, sieur de la Bouchetière, Robert Audouyn, procureur syndic of Quimpercorantin; Jehan Cousin, Maurice Berlavance, Michel Pommeret, sieur de la Porte.

## THE COUNTY OF CHAMPAGNE AND BRIE.

*Bailliage of Troyes.* — Philippe Dever, advocate in the

said bailliage of Troyes; Jacques Angenoust, royal treasurer of the revenues from saltpetre.

*Bailliage of Chaumont-en-Bassigny.* — Etienne Porret, lieutenant-general of the said bailliage; Jean Rozé, bailli of Joinville.

*Bailliage of Vitry.*—Jacques Linage, president in the said bailliage and presidial court; Jean de Saint-Remy, prévôt and juge ordinaire of the royal prévôté of Sainte-Menehould.

*Bailliage of Meaux.* — Philippe du Valengelier, king's councillor in the presidial court of Meaux; Antoine Michelet, échevin of the said city.

*Bailliage of Provins.*— Guillaume le Court, receiver of the common funds of the city of Provins.

*Bailliage of Sézanne.* —Nicolas Boullée, bourgeois of Sézanne.

*Bailliage of Sens.*—Nicolas Goujet, advocate in the said bailliage.

*Bailliage of Chateau-Thierry.*—Jean Marteau, president in the presidial court of the said place.

## LANGUEDOC.

*Sénéchaussée of Toulouse.*—Pierre de Rahou, capitoul of Toulouse; Etienne Tourinierre, advocate; Pierre de Vignans, bourgeois.

*Sénéchaussée of Beaucaire.*—M. Charles Dessores, king's councillor, judge of the said bailliage; Antoine Broche, doctor-in-law for the diocese of Uzès; Jacques de Cazal-Martin, advocate for the bailliage of Gévaudan.

*Sénéchaussée of Puy and Bailliage of Vellay.*—Mathieu Triousève, king's councillor in the sénéchaussée of Puy; Claude Morgue, consul.

*Montpellier.*— . . . . . . . .

*Sénéchaussée of Carcassonne and Béziers.*—Pierre d'Assaly, judge of the criminal court in the sénéchaussée of Carcassonne.

*Sénéchaussée of Lauraguais.*—Pierre de Villaroux, consul of Castelnaudary.

## PICARDY.

*Bailliage of Amiens.*—Vincent le Roy, Antoine Scarion.

*Sénéchaussée of Ponthieu.*—Jean de Maupin.

*Sénéchaussée of Boulonnais.*—Thomas Duwiquet, Robert de Moictier.

*Péronne, Montdidier, and Roye.*—Robert Choquet, Louis Fouchet, François Gonnet, Antoine Humique.

*Bailliage of Clermont-en-Beauvoisis.*— . . . . . . .

*Bailliage of Beauvais.*—Claude de Cauonne, Charles le Bègue, Eustache Choffart.

*Bailliage of Senlis.*—Paul de Cornouailles.

*Bailliage of Valois.*—François Rangueil.

*Chaumont-en-Vexin.*— . . . . . . .

*Bailliage of Melun.*—Christophe Barbin.

*Bailliage of Nemours.*—Simon Godet.

*Bailliage of Montfort.*—Gilles Guillard and Philippe Bary.

*Bailliage of Dourdan.*—Claude le Camus.

*Bailliage of Dreux.*—Bernard Couppé.

*The Bailliages of Mantes and Meulan.*—Antoine Bonnineau, Jean Leau, and Gui Lecomte.

*Bailliage of Vermandois.*—Adrien de Fer, lieutenant-general in the said bailliage; Claude le Gras, councillor in the said court; Nicolas Fouyn, lieutenant of the inhabitants of Reims.

*Dauphiné.*—Hugues Desalles and Emard Moissonier.

*Provence.*—Honoré Ouyrand, Gaspard Richard, Pierre Matty, Alexis Matenis, Pierre-Jean Bernard, Pierre Pugnaire, and Jean Carbonel.

*The City of Marseilles.*—Jacques Vias.

*Bailliage of Saint-Pierre-le-Moustier.*—Etienne Tenon, Pierre de Berne.

*Sénéchaussée of Bourbonnois.*—Guillaume Duret, Louis de Basmaison, Hugues de Cussy.

*Bailliage of Beaujolois.*—Christophe Fiet.

*Bailliage of Forez.*—Benoît Blanchet, Jean Retournel, Philippe de Romier.

*Sénéchaussée of the Low Countries of Auvergne.*—Jean de Basmaison, Pierre Dufretal, Pougnet, Pierre Vryon de Livredoit, Guillaume Costel.

*Haut Pays D'Auvergne.*—Jean Chabot, Gui de Causel, Jacques Duplois, Jourdain Hérault, Guillaume de Vines.

*Sénéchaussée of Lyon.*—Pierre Viaron, Nicolas Chaponnay. Pierre Dugas, Claude Berteval.

*Haute and Basse Marche.*—Antoine du Plantadis, Antoine Barret, Antoine Vacherie.

*Orléans.*— . . . . . . . .

*Sénéchaussée of Anjou.*—Philippe Guesdon, town-councillor and mayor of Angers; Martin Liberge, doctor in the University of Angers.

*Maine.*—M. Martin Ourleau, bailli of Mans; Mathurin Lessochet, advocate; Jacques Labis, judge-general of the duchy of Mayenne.

*Bailliage of Touraine and Amboise.*—M. Gilles Duverger, lieutenant-general of Touraine; Guillaume Bessiau; sieur Deshayes, councillor in the parliament of Britanny, bourgeois of Tours; François Lefranc, mayor of Amboise, Antoine Decours, king's advocate.

*Lodunois.*—Jacque Bonneau.

*Bailliage of Berry.*—Henri Maréchal, Claude Lebègue, Claude Tabonnet.

*The Bailliage of Chartres.*—Claude Sureau.

*The Bailliage of Orléans.* — Joachim Gervaise, Agnan Cinadat.

*Bailliage of Blois.*—Simon Niolle.

*Bailliage of Gien.*—Pierre d'Anjou.

*Bailliage of Montargis.*—Catherine Petit.

*Bailliage of Perche.*—Denis Hubert.

*Bailliage of Nivernois and Donziois.* — Gui Coquille and Martin Roy.

*City and Government of La Rochelle.*— . . . . . . . .

*Bailliage of Angoumois.*—Geoffroy Nogeret.

*Bailliage of Estampes.* — Jean Hony, Claude Hamonges, Jacques Putan and Jean Godet.

*Bailliage of Vendomois* —Réné Dupont, Pierre Viau.

TOTAL, 181 deputies, without those who attended after the first session.

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## FIFTH LIST.

### STATES-GENERAL CONVOKED BY THE LEAGUE, AND HELD AT PARIS IN 1593.*

*Deputies of the City, Prévôté, and Vicomté of Paris.*— L'Huillier (Jean), maître des comptes, prévôt des marchands; De Nully (Etienne), lord of the said place,

* *Procès-verbaux des Etats Généraux de* 1593, collected and published by M. Auguste Bernard, p. 5.

president in the parliament; Le Maistre (Jean), also president in the parliament; De Masparault (Etienne), sieur de Chenevières, in Brie, master of requests; Boucher (Charles), sieur d'Orsay, president in the great council; Bailly (Guillaume), president in the Court of Exchequer; Du Vair (Guillaume), councillor in the parliament; D'Orléans (Louis), advocate-general in the parliament; Langlois (Martin), advocate, échevin of Paris; Thielement (Séraphin), sieur de Guyencourt, registrar of the great council, secretary of the king; D'Aubray (Claude), sieur de Bruyères-le-Châtel, secretary to the king; Roland (Nicolas), high usher in the Court of Chancery.

## DELEGATES OF THE COUNTRY AND DUCHY OF BURGUNDY.

*Dijon.*—Bernard (Etienne), advocate in the parliament of Dijon, vicomte and mayor of that city.

*Autun.*—Venot (Jacques), advocate in the parliament of Dijon.

*Chalons.*—Languet (Claude), sieur de Saint-Côme, advocate, formerly mayor of the city.

*Auxois.*—Blavot (Charles), advocate, mayor of Semur.

*La Montagne.*—Remond (Edme), lieutenant-general, civil and criminal, in the bailliage of Châtillon.

*Macon.*—Mercier (Antoine), triennial member of the Tiers Etat.

*Auxerre.*—Vincent (Philippe), sieur de Tresfontaines, president at the election of Auxerre.

## DEPUTIES OF THE DUCHY OF NORMANDY.

*Rouen.*—Le Barbier (Nicolas), advocate-general in the parliament of the same city; Du Four (François), sieur des Fossés, échevin of Rouen, secretary to the king; De Laval (Etienne), bourgeois and échevin of Rouen.

*Pays de Caux.*—Soret (Odet), labourer.

*Alençon.*—Desportes (Jacques), lieutenant-general in the vicomté of Alençon, in the court of Verneuil.

*Dreux.*—Langlois (Denis), procureur syndic of the same city.

## DEPUTIES OF THE GOVERNMENT OF GUIENNE.

*Sénéchaussée of Poitou.*—Guérin (Esprit), advocate in the parliament, lieutenant of the waters and forests of Poitiers.

*Deputies of the Country and Duchy of Britanny.*—Bertié (Jean), sieur du Maynette, councillor in the presidial court of Dinan; Bigot (Pierre), sieur du Breuil, attorney of the city of Fougères.

## DEPUTIES OF THE COUNTRIES OF CHAMPAGNE AND BRIE.

*Troyes.*—Martin (Louis), lieutenant of the bailliage and presidial court of Troyes, Le Boucherat (Simon), registrar in chief at the election of the said city.

*Chaumont*—De Grand (François), lieutenant criminal in the bailliage and presidial court of Chaumont; De Marisy (Anselme), attorney in the said courts.

*Sens.*—De la Mare (Claude), bourgeois and mayor of Sens.

*Mézières.*—Moet (Philippe), sieur de Crèvecreur, attorney of the city of Reims.

## DEPUTIES OF THE ILE-DE-FRANCE.

### BAILLIAGES OF VERMANDOIS.

*Laon.*—Le Gras (Claude), councillor in the bailliage of Vermandois, prévôt of Laon.

*Reims.*—Frizon (Gérard), lieutenant criminal in the presidial court of Reims.

*Soissons.*—Pepin (François), advocate and bailli in the temporal jurisdiction of the bishop.

*Beauvais.*—Le Bègue (Charles), bourgeois and échevin of Beauvais.

## DEPUTIES OF THE COUNTRY OF PICARDY.

*Sénéchaussée of Amiens.*—Castelet (François), bourgeois and former mayor of Amiens.

*Boulonnais and Montreuil.*—Castelet (François), already named.

*Ponthieu.*—Maupin (Jean), councillor in the sénéchaussée of Ponthieu.

## DEPUTIES OF THE GOVERNMENT OF ORLÉANS.

*Bailliage and Sénéchaussée of Orléans.*—Brachet (Antoine), sieur de la Boesche, advocate in the presidial court of Orléans; Le Breton (Antoine), bourgeois and échevin of the same city.

*Berry.*—De Saint-Père (François), king's secretary.

*Anjou.*—Le Moine (Jacques), sieur de la Revière, king's attorney in the presidial court of Anjou.

*Maine.*—Dumans (Julien), king's advocate in the sénéchaussée of the Maine; de la Fontaine (Julien), receiver of taxes for Touraine; Marceau (Martin), lieutenant-general in the sénéchaussée of the Maine.

*Laval.*—Roues (Guillaume), sieur du Poyet, receiver of taxes and aids in the elective district of Maine.

*Angoumois.*—Bourgoing (Horace-Pierre), juge-prévôt of Angoulême.

## DEPUTIES OF THE GOVERNMENT OF LYONNAIS.

*Bailliage and Sénéchaussée of Lyon.*—De Villars (Guillaume), advocate in the presidial court of this city: Gelas (Guillaume), bourgeois and échevin of Lyons; Grollier (Jacques), de l'Arbresle, deputy for the flat country of Lyonnais.

*Beaujolais.*—Le Brun (Claude), advocate in the bailliage of Beaujeu.

*Deputies of the County of Provence.*—Du Laurens (Honoré), advocate-general in the parliament of Provence.

*Arles.*—Chalot (Gaspard), doctor of law, assessor of the town-hall.

*Officers appointed for the Chamber of the Tiers Etat:*—

L'Huillier (Jean), president;

Venot (Jacques), teller;

Le Boucheret (Simon), teller;

Thielemont (Séraphin), registrar and secretary.

## SIXTH LIST.

### STATES-GENERAL HELD AT PARIS IN 1614.*

*President of the Chamber of the Tiers Etat.*—Messire Robert Miron, king's councillor in his councils of state, and privy councillor, president of the Court of Requests in his court of parliament, prévôt des marchands of the city of Paris.

*For the City of Paris.*—Maître Israël Desnœux, a noble, comptroller of the king's salt-stores in Paris, lord of Mézières, and one of the échevins of the city of Paris; Me Pierre Clapisson, a noble, king's councillor in his prison of the Châtelet, and the presidial court of Paris, and one of the échevins of the city, nominated and elected teller in the said assembly of the Tiers Etat; Pierre Sainctor, a noble, seigneur of Vemars, and one of the councillors of the city; Me Jean Perrot, seigneur of Chesnard, and one of the councillors of the said city; Nicolas de Paris, bourgeois of the said city.

*Prévôté and Vicomté of Paris.*—Messire Henry de Mesmes, seigneur of Irval, king's councillor in his councils of state, and privy councillor, lieutenant civil of the prévôté, and vicomté of Paris, elected president in the absence of the sieur Miron, deputy for the prévôté and vicomté of Paris.

* *Recueil de Pièces Originales et Authentiques, concernant la Tenue des Etats Généraux.* Paris, 1789, t. v., p. 33.

## DUCHY OF BURGUNDY.

*Bailliage of Dijon.*—Maître Claude Mochet, seigneur of Azu, advocate in the parliament of Dijon, and council of the three estates of the duchy; Messire Réné Gervais, king's councillor and lieutenant-general in the bailliage of Dijon; M[e] Antoine Joly, king's councillor, registrar in the parliament and states of Burgundy.

*Bailliage of Autun.*—M[e] Philibert Venot, advocate in the said bailliage; M[e] Simon Montaigu, lieutenant-general in the chancery of Autun, and vierg of the said place.

*Bailliage of Chalons-sur-Marne.*—M[e] Guillaume Prisque, sieur de Serville, lieutenant criminal in the bailliage of Chalons; M[e] Abraham Perraut, councillor in the said bailliage, and mayor of the said city.

*Bailliage of Auxois.*—Claude Espiart, a noble, councillor and secretary of the king, usher in the chancery of Burgundy; Jacques de Cluny, a noble, king's councillor, and prévôtal judge in the city of Avalon.

*Bailliage of La Montagne.*—Claude François, a noble, king's councillor, lieutenant-general in the bailliage of La Montagne, judge (*qy.*) in the presidial court of Chastillon-sur-Seine; M[e] François de Gissey, king's councillor and lieutenant-general in the chancery of Chastillon-sur-Seine.

*Bailliage of Chasrollois.*—M[e] Claude Maleteste, advocate to the bailliage of Chasrollois; M[e] Claude de Ganay, sieur de Montéguillon, lieutenant in the bailliage of Chasrollois.

*Bailliage of Mascon.*—Messire Hugues Fouillard, king's councillor and lieutenant-general of the said place.

*Bailliage of Auxerre.*—M[e] Claude Chevalier, a noble

king's councillor and lieutenant-general of the bailliage and presidial court of the said place; Guillaume Berault, sieur du Sablon, judge consul-échevin of the said city.

*Bailliage of Bar-sur-Seine.*—Lazarre Coqueley, a noble, maître-particulier of the waters and forests, and mayor of the said Bar-sur-Seine.

## DUCHY OF NORMANDY.

*City of Rouen.*—Jacques Hallé, a noble, seigneur of Canteleu, councillor and secretary of the king, the house and crown of France, formerly councillor, second échevin, and deputy of this city, nominated and elected secretary and registrar of the said Tiers État of France, in the present assembly of the states-general; Michel Maringe, a noble, sieur de Montgrimont, also king's councillor and secretary, and comptroller in his chancery of Normandy, councillor and lately-elected échevin and deputy of the said city.

*Bailliage of Rouen.*—Jacques Campion of Anzouville-sur-Ry, of honourable family, deputy of the bailliage.

*City and Bailliage of Caen.*—Guillaume Vauquelin, esquire, seigneur of La Fresnaye, king's councillor, president and lieutenant-general of the said bailliage, and [judge of the (*qy.*)] presidial court, master of requests to the queen-mother, deputy of the said city of Caen; Me Abel Olivier, lord of La Fontaine, one of the syndics of Falaise, deputy for the bailliage.

*Bailliage of Caux.*—Constantin Housset, of the parish of Flamanville.

*Bailliage of Coustantin.*—Me Jacques-Germain d'Arcanville, advocate at Carentin, seigneur of the county.

*Bailliage of Evreux.*—Me Claude de Doux, esquire, lord

of Melleville, king's councillor, master of ordinary requests to the queen-mother, president and lieutenant-general, civil and criminal, in the said bailliage and presidial court.

*Bailliage of Gisors.*—Me Julien le Bret, a noble, king's councillor, vicomte of Gisors.

*Bailliage of Alençon.*—Me Pierre le Rouillé, a noble, king's councillor, and advocate in the said bailliage and presidial court.

## GOVERNMENT OF THE COUNTRY AND DUCHY OF GUIENNE.

*City of Bordeaux and Sénéchaussée of Guienne..*—Me Jean de Claveau, a noble, king's councillor, and first substitute for the attorney-general, advocate in the parliament, jurat of the city of Bordeaux; Me Isaac de Boucaud, a noble, deputy of the said city, and sénéchaussée of Guienne, king's councillor in the said sénéchaussée and presidial court, deputy of the said city and sénéchaussée of Guienne.

*Sénéchaussée of Bazadois.*—Me Antoine de l'Auvergne, king's councillor, and lieutenant-general in the sénéchaussée of Bazas.

*Sénéchaussée of Périgord.*—Me Nicolas Alexandre, advocate in the presidial court of Périgueux; Me Pierre de la Broulle, king's councillor, lieutenant-general in the criminal court of Sarlat; Me André Charron, king's councillor, and lieutenant-general in the presidial court of Bergerac.

*Sénéchaussée of Rouergue.*—Me Jean-Gilles Fabry, doctor, first consul in the city of Rhodez, judge of Concoures; Antoine de Bandinel, seigneur of Roquette, first consul

of the city and borough of Rhodez; Foulcrand Coulonges, consul of Villefranche; M^e Jean Guérin, doctor, lieutenant in the royal judicature of Creisses, and consul of Milhau; Jacques de Fleires, a noble, lord and baron of Bouson, doctor, syndic-general in the said Rouergue.

*Sénéchaussée of Xaintonges.*—Raymond de Montaigne, seigneur of Saint-Gene, Combrac, la Vallée, and other places, king's councillor, and lieutenant in the said sénéchaussée.

*Sénéchaussée of Agénois.*—M^e Jean Villemon, king's councillor and attorney in the said sénéchaussée; Julien de Cambeford, esquire, lord of Selves, first consul in the said city of Agen; M^e Jean de Sabaros, lord of Monthe-rouge, advocate in the parliament of Bordeaux, syndic of the said country.

*States, Country, and County of Cominges.*—François de Combis, esquire, lord of the said place and of la Mothe.

*County and Jugerie of Rivière, Verdun, Gauré, Barony of Lernac and Marestaing.*—M^e Louis de Long, king's councillor, and judge-general in the said country.

*Dax and Sénéchaussées of Lannes and Saint-Sever.*—M^e Daniel de Barry, king's councillor, and lieutenant-general in the sénéchaussée of Lannes, in the court of Saint-Sever; M^e Arnaul de Coisl, syndic-general of the country and court of Saint-Sever, deputy as coadjutor to the said sieur de Barry, on account of his indisposition.

*Albret.*—M^e Pierre du Ray, king's councillor, lieutenant, civil and criminal, in the sénéchaussée of Albret; M^e Jean Broca, consul of the city of Nérac, advocate in the parliament of Bordeaux and chamber of Guienne.

*Sénéchaussée of Armagnac.*—M^e Samuel de Long, king's councillor, lieutenant-general, and *juge-mage* in the sénéchaussée of Armagnac.

*City and County of Condom, and Sénéchaussée of Gascony.*—Guillaume Ponchalan, a noble, first consul of Condom, lord of la Tour; Raimond de Goujon, a noble, bourgeois, and jurat of the said city.

*Haut Limosin and City of Limoges*—Léonard du Chastenet, sieur and baron of Murat, king's councillor, lieutenant-general in the sénéchaussée of Limosin, and presidial court of Limoges, deputy both of the town and *cité* of Limoges, and of the other cities of the flat country, nominated and elected teller; Grégoire de Cordes, lord of Saint-Ligourde, bourgeois of Limoges, as well as deputy of the said city, to assist the said lieutenant-general.

*Low Country of Limosin, comprising Tulles, Brives, and Uzerches.*—M[e] François du Mas, lord of Maison, a noble of Chapoulie, and in the dependencies of Pradel-la-Gane and Ganterie, king's councillor, and lieutenant-general in the sénéchaussée of Bas-Limosin, and the presidial court of Brives-la-Gaillarde, deputy for the said Bas-Limosin; M[e] Pierre de Fenis, lord of Theil, king's councillor, and lieutenant-general in the said sénéchaussée, likewise deputy for Bas-Limosin.

*Sénéchaussée of Quercy.*—M[e] Pierre de la Fage, doctor-in-law, advocate in the presidial court of Cahors, and first consul of the said city; M[e] Paul de la Croix, doctor and syndic of the said country of Quercy.

*Country and County of Bigorre.*— . . . . . . . . .

*Duchy of Britanny.*—Guy-Gonault, esquire, lord of Sénégrand, king's councillor, prévôt and ordinary judge of Rennes; Julien Salmon, a noble, lord of Querbloye, king's councillor and attorney in the presidial court of Vannes; Raoult Moirot, a noble, lord of Gorraye, king's councillor and sénéchal of Dinan; Jean Perret, a noble,

lord of Giclaye; Me Mathurin Rouxel, a noble, lord of Beauvais, procureur-syndic of the inhabitants of Saint-Brieuc; Jean de Harouis, a noble, lord of Lespinay, procureur syndic of the States of Britanny.

## COUNTY OF CHAMPAGNE AND BRIE.

*Bailliage of Troyes.*—Me Pierre le Noble, king's councillor, president and lieutenant-general in the bailliage and presidial court of Troyes; Jean Bazin, esquire, lord of Bouilly and Besènes, mayor of Troyes.

*Bailliage of Chaumont in Bassigny.*—Me François de Grand, king's councillor, and lieutenant criminal in the bailliage of Chaumont; Me François de Juilliot, king's councillor in the presidial court of Chaumont, and mayor of the said city.

*Bailliage of Vitry-le-François.*—Me Jacques Rotet, lord of Bestans, king's councillor, prévôt and ordinary judge of Vitry; Me François Rouyer, advocate in the parliament of Paris, resident at Saint-Menehoud.

*Bailliage of Meaux.*—Me Louis Barre, advocate in the bailliage and presidial court of Meaux; Me Jacques Chalemot, formerly advocate and échevin of the said city.

*Bailliage of Provins.*—Me Pierre Retel, king's councillor, and lieutenant-particulier, assessor in the bailliage and presidial court of Provins.

*Bailliage of Sézanes.*—Me Jacques Champion, king's attorney in the bailliage of Sézanes, deceased during the sitting of the said estates.

*Bailliage of Sens.*—Me Bernard Angenoust, esquire, lord of Trencault, king's councillor, lieutenant-general in the bailliage and presidial court of Sens.

*Bailliage of Château-Thierry.*—Claude de Vertu, esquire, lord of Macongay, king's councillor, president and lieutenant criminal in the bailliage and presidial court of Château-Thierry.

## COUNTY OF TOULOUSE AND GOVERNMENT OF LANGUEDOC.

*Sénéchaussée and City of Toulouse.*—Me Jean de Louppes, king's councillor, and his criminal judge in the sénéchaussée of Toulouse; Me Pierre Marmiesse, a noble, doctor-in-law, advocate in the parliament of Toulouse, and capitoul of the said city; Me François de Barier, doctor and advocate in the parliament, capitoul and consistorial head of the town-hall in the said Toulouse, deputy of the said city.

*Sénéchaussée of Beaucaire and Nismes.*—Me François de Rochemore, king's councillor, lieutenant-general in the sénéchaussée of Beaucaire and Nismes; Louis de Gendin, a noble, consul of the city of Uzez.

*Sénéchaussée of Puy and Bailliage of Vellay.*—Me Hugues de Filère, king's councillor and principal lieutenant in the sénéchaussée of Puy; Me Jean Vitalis, doctor in medicine, and first consul of the said city.

*Government of Montpellier.*—Daniel de Gallice, king's councillor, treasurer-general of France, first consul and judge (*viguier*) of the said city.

*Sénéchaussée of Carcassonne and Beziers.*—Me Philippe le Roux, seigneur of Alzonne, king's councillor, president and *juge-mage*, hereditary lieutenant and general in the sénéchaussée of Carcassonne and Beziers; David de l'Espinasse, esquire, first consul of the city of Castres, and deputy of the same.

*Sénéchaussée of Lauraguais.* — Raymond de Cup, king's councillor, and *juge-mage* of Castelnaudary.

*Country and County of Foix.*—Me Bernard Méric, doctor and advocate in the sénéchaussée, and king's attorney in the city of Foix, capital of the said county.

*Bailliage of Vermandois.*—Me Etienne de Lalain, lord of Espuissar, Roquinicourt, La Suze, advocate in the bailliage of Vermandois and presidial court of Laon.

*Sénéchaussée and Country of Poitou, Fontenay, and Niort.* — Réné Brochard, esquire, lord of Fontaines, king's councillor in the presidial court of Poitiers; Me François Brisson, esquire, lord of the palace, king's councillor, and his sénéchal at Fontenay; sire Coste Arnaut, merchant of the city of Poitiers.

*Sénéchaussée of Anjou.*—Me François Lanier, lord of Saint-James, king's councillor and lieutenant-general of Anjou; Me Etienne du Mesnis, formerly advocate in the said court; Naguères, mayor and captain of the city of Angers.

*Sénéchaussée of the Maine.*—Me Michel Vasse, lieutenant-general in the criminal affairs of the sénéchaussée of the Maine, deceased during the said states; Me Julien Gaucher, king's late chief advocate in the said sénéchaussée.

*Bailliage of Touraine and Amboise.*—Me Jacques Gauthier, king's councillor in the parliament of Britanny, president in the presidial court of Tours; Me Réné de Sain, king's councillor and treasurer-general of France, and mayor of the city of Tours; Me Jean Dodeau, a noble, king's councillor, lieutenant-general in the bailliage of the said Amboise; Claude Rousseau, a noble, king's attorney in the election, and former échevin of Amboise.

*Bailliage of Berry.* — Louis Foucault, esquire, lord of

Champfort, king's councillor, president in the presidial court of Berry, and mayor of the city of Bourges; Philippe-le-Bègue, a noble, king's advocate and councillor in the said presidial court; François Carcat, a noble, king's councillor and attorney in the royal court of Issoudun; Paul Ragueau, king's councillor, and lieutenant-general, civil and criminal, in the bailliage and royal court of Mehun-sur-Yèvre.

*Bailliage of Saint-Pierre-le-Moustier.*— Me Gascoing, a noble, king's councillor and lieutenant-general in the bailliage and presidial court of Saint-Pierre-le-Moustier; Florimond Rapine, a noble, lord of Samxi, king's councillor and advocate in the said court.

*Sénéchaussée of Bourbonnois.*—Jean de Champfeu, seigneur of Garennes, king's councillor and president in the office of finances established at Moulins, and mayor of the said city; Jean de l'Aubespin, esquire, bailli and governor of Montaigu-les-Combrailles, treasurer-general of France in the said Moulins; Me Gilbert Balle, lord of Petit-Bois, lieutenant, civil and criminal, in the castle of Ainay; Me Jean Berauld, lieutenant-general, advocate in the sénéchaussée of Bourbonnois.

*Bailliage of Forez.*—Me Pierre Rival, assessor in the prévôté, and first échevin of the city of Montbrison; Me Claude Greysolon, syndic of the said country of Forests.

*Bailliage of Beaujolois.* — Claude Charreton, a noble, seigneur of La Terrière, king's councillor, lieutenant-general, civil and criminal, in the said bailliage.

*The Bas Pays d'Auvergne.*—The two lieutenants-general of the sénéchaussées established in the said country, and Guillaume Maritan, échevin of the city of Clermont, capital of the said country.

NOTE.—The said lieutenants were not named, for this reason, that when the registrar was about to read the name of Messire Antoine de Murat, king's councillor in his councils of state, and privy councillor, lieutenant-general in the sénéchaussée and presidial court established at Riom, maître Jean Savaron, lord of Villars, king's councillor, president and lieutenant-general in the sénéchaussée and presidial court established at Clermont, opposition was made; and on this followed the deputation in which they were not named, and this in consequence of the decree in council, delivered at Nantes, in August last, by which the variations in the titles and prerogatives of their courts were referred to the superior (*qy.*) court.

*Haut Pays D'Auvergne.*—M[e] Pierre Chabot, king's councillor, lieutenant general, civil and criminal, in the bailliage of Haut-Auvergne, established at Saint-Flour, capital of the said country; Pierre Sauret, second consul of the city of Saint-Flour; M[e] Jean Montheil, advocate in the said bailliage of Saint-Flour; M[e] Jean Sauret, advocate in the parliament of Paris, and residing there: in case of the absence of the said Pierre Sauret, consul, his brother to be substituted for him.

*Sénéchaussée of Lyons.*—M[e] Pierre Austrein, a noble, seigneur of Jarnosse, president in the parliament of Dombes, lieutenant in the sénéchaussée and presidial court of Lyons, district auditor in the government of the said Lyons, county of Lyonnois, Forest and Beaujollois, and prévôt des marchands of the city of Lyons; M[e] Charles Grollier, esquire, seigneur of Escouvires, advocate and attorney-general of the said city: M[e] Jean de Moulceau, advocate to the privy council of the king, deputy of the city of Lyons; M[e] Jean Goujon, advocate in the said sénéchaussée and presidial court of Lyons;

Me Philippe Tixier, captain and châtelain of Dargoire, syndic of the flat country of Lyonnais, deputy of the said country of Lyonnais.

*Bailliage of Chartres.* — Me François Chavaine, king's councillor, president in the bailliage and presidial court of Chartres; Me Jacques des Essarts, councillor in the said court, councillor of state, deputy for the bailliage of Chartres.

*Bailliage of Orléans.*—Messire François de Beauharnois, king's councillor, president and lieutenant-general in the bailliage and presidial court of Orléans; Guillaume Rousselet, bourgeois of the city of Orléans, deputy of the Tiers État of the said city; and again the said Beauharnois, deputy of the Tiers État for the royal and non-royal châtellenies of the said bailliage; Me Augustin de l'Isle, king's councillor and lieutenant of the bailli of Orléans, in the court of Chasteau-Regnard, deputy for the Tiers État of the said châtellenies, in case of the absence or illness of the said Beauharnois.

*Bailliage of Blois.*—Guillaume Ribier, esquire, lord of Haut-Vignon, king's councillor, president and lieutenant-general in the bailliage and presidial court of Blois; Jean Courtin, a noble, sieur of Nantheuil.

*Bailliage of Dreux.*—Me Thibault Couppé, lord of la Plaine, licentiate in law, advocate in the bailliage of Dreux.

*Bailliage of Mantes and Meulan.*—Me Jean le Couturier, king's councillor, lieutenant-general, civil and criminal, in the bailliage and presidial court of Mantes; Anthoine de Viot, king's councillor, lieutenant, civil and criminal, in the royal court of the said Meulan.

*Bailliage of Gien.*—Me Daniel Chaseray, lord of Beaux-Noirs, king's councillor, and lieutenant-general, civil and

criminal, in the said bailliage and county of Gien; M[e] Pierre le Piat, also king's councillor, prévôt, and juge ordinaire, lieutenant civil, assessor, and criminal judge in the city and county of Gien, the prévôté and jurisdiction thereof.

*Bailliage of Montargis.*—M[e] Réné Ravault, a noble, lord of Monceau, formerly advocate in the bailliage of Montargis-le-Franc.

*County and Bailliage of Perche.*—M[e] Isaye Petitgars, a noble, seigneur of la Garenne, president in the election of Perche.

*Bailliage of Château-Neuf, in Thimerais.*— . . . .

## PICARDY.

*Bailliage of Amiens.*—Messire Pierre Pingré, a noble, king's councillor, lieutenant-general in the bailliage and presidial court of Amiens.

*Sénéchaussée of Ponthieu.*—Philippes de la Vernot Paschal, esquire, president, lieutenant-general, and criminal judge in the sénéchaussée and presidial court of Ponthieu.

*County and Sénéchaussée of Boullonois.*—Messire Pierre de Vuillecot, lord of les Priez and le Faux, king's advocate in the sénéchaussée and county of Boullonois.

*Calais and Regained Countries.*—Louis le Beaucler, esquire, and king's councillor, president and judge-general of Calais and regained countries.

*Perronne and Roye.*—Messire Robert Choquel, king's councillor and attorney-general in the government and prévôté of Peronne, mayor of the said city, and deputy thereof and of the said government.

*Prévôté of Montdidier.*—Antoine de Berthin, esquire, lieutenant-general, civil and criminal, in the government of

Peronne, Montdidier, and Roye, deputy of the bailliage and prévôté of Montdidier.

*Prévôté of Roye.*—M[e] Jacques de Neufville, esquire, lord of Fontaines, king's councillor, and lieutenant-general, civil and criminal, in the government of Roye, deputy thereof.

*Bailliage of Senlis.*—Philippes Loisel, esquire, king's councillor, president, and lieutenant-general, civil and criminal, in the bailliage and presidial court of the said Senlis; Gabriel de Moutierre, lord of S. Martin, king's councillor, lieutenant of the bailliage of Senlis at Pontoise.

*Bailliage of Valois.*—M[e] Charles Therault, seigneur of Vuaremal and Sery, councillor and master of ordinary requests to the Queen Marguerite, duchess of Valois, and lieutenant-particulier of Crespy and Pierre-Fond.

*Bailliage of Clermont in Beauvoisis.*—M[e] Pierre le Mercier, a noble, king's councillor, and lieutenant-general in the bailliage of Clermont; Simon Vigneron, a noble, lord of Monceau, king's councillor, and lieutenant-particulier, civil and criminal, in the said bailliage.

*Bailliage of Chaumont, in Vexin.*—M[e] Louis le Porguier, prévôt forain, and lieutenant-general in the bailliage of the said Chaumont and Magny, deputy for Chaumont and Magny, in Vexin; André Jorel, lord of Saint-Brice, king's councillor, lieutenant-general, civil and criminal, in the said Magny, deputy for the said Chaumont and Magny, with the said Porguier.

*Bailliage of Melun.*—Pierre le Jau, esquire, lord of Giroles, king's councillor, lieutenant-general in the bailliage and presidial court of Melun.

*Bailliage of Nemours.*—M[e] Jean le Beau, a noble, king's councillor, lieutenant-general, civil and criminal, in the said bailliage and duchy of Nemours; Guillaume le Gris, a noble, captain of the castle of the said Nemours.

*Bailliage of Nivernois and Donziois.*—Me Henry Bolare, lieutenant-general in the bailliage and peerage of Nivernois; Me Guillaume Salonnier, councillor, and master of the exchequer of Monsieur le Duc de Nivernois.

*The Deputies and Delegates of Dauphiny.*—Me Louis Masson, a noble, doctor, advocate in the parliament, first consul of the city of Vienne; Me Etienne Gilbert, a noble, advocate in parliament; Gaspard de Ceressault, a noble, first consul of Ambrun; Claude Brosse, a noble, seigneur of Sérisin, syndic of the villages of Dauphiny; Me Antoine Basset, secretary to the states in the county of Dauphiny.

*City and Government of la Rochelle.*—Me Daniel de la Goutte, king's councillor, and advocate in the presidial court of la Rochelle, and one of the peers of the said city, and deputy of its corporation, for the Tiers État of the said city and government; Me Gabriel de Bourdigalle, a noble, lord of la Chabossière, king's councillor, and attorney in the presidial court and other jurisdictions of the said city and government of Aunis and la Rochelle; Jean Tharray, a merchant, bourgeois of the said city, procureur syndic of the bourgeois and inhabitants thereof, deputy for the said bourgeois and inhabitants and Tiers État thereof.

*Sénéchaussée of Angoumois.*—Philippe de Nemond, esquire, lord of Brie, king's councillor, and lieutenant-general in the sénéchaussée and presidial court of Angoulmois, and master of requests to the queen.

*Bailliage of Montfort-l'Amaulry and Houdan.*—M. Noël Rafron, a noble, king's councillor, and attorney in the bailliage and county of Montfort; Nicolas Philippes, warden of the waters and forests of Néaufle-le-Chastel, receiver for the land and seigneury of Pont-Chartrain.

*Bailliage of Etampes.*—Me Jacques Petau, a noble, king's councillor, lieutenant-general, civil and criminal, in the said bailliage and duchy of Etampes, and mayor of the said city.

*Bailliage of Dourdan.*—Me Pierre Boudet, advocate in the said bailliage.

*The Delegates and Deputies of the States of Provence.*—Jean-Louis de Mathaon, a noble, lord of Salignac and Entrepierre, advocate in the court, assessor of the city of Aix, and attorney of the said county; Me Thomas de Féraporte, advocate in the court of the parliament of Provence, syndic of the Tiers État of the said country; François de Sebolin, sieur of la Mothe, first consul of the city of Hières; Me Antoine Achard, registrar of the states of Provence.

*Marseilles.*—Me Balthazard Vias, doctor-in-law, advocate in the court of parliament of Provence, and assessor of the city of Marseilles.

*Arles.*—Me Pierre d'Augières, advocate in the parliament of Provence, assessor of the consuls and communities of the city.

*Sénéchaussée of la Haute-Marche.*—Me Jean Vallenet, lord of Ribière, king's councillor, lieutenant-particulier in the court of Gueret.

*Sénéchaussée and Country of la Basse-Marche.*—Me François Reymond, lord of Cluseau, king's councillor, and lieutenant-general in the sénéchaussée of la Basse-Marche, in the city of Bellac.

*Duchy and Bailliage of Vendômois.*—Me Jean Bautru, lord of Matrats, bailli of the country and duchy of Vendômois; Me Mathurin Rateau, registrar in the said bailliage, and échevin in the said city of Vendôme.

*Sénéchaussée of Lodunois.*—Me Louis Trincaut, king's

attorney in the sénéchaussée of Lodunois; M[e] Barthelemy, de Burges, receiver of excise duties and taxes in the election of Lodun.

*Bailliage of Beauvais in Beauvoisis.*—Robert Darry, esquire, lord of la Roche and Ernemont, king's councillor, lieutenant-general, civil and criminal, in the said bailliage and presidial court.

*Bailliage of Soissons.*—Pierre de Chezelles, esquire, lord of la Forest, of Grizolles, king's councillor, president, and lieutenant-general in the said bailliage and the presidial court.

*Sénéchaussée of Chastelleraudois.*—M[e] François Ferrand, king's councillor, and attorney in the said sénéchaussée.

*Bresse.*—M[e] Charles Chambart, advocate in the presidial court of Bourg, and syndic of the district.

*Bailliage of Bugey and Valromay.*—M[e] Charles Monin, advocate in the bailliage of Bugey; M[e] Pierre Passerat, châtelain of Stillon de Michailhe.

*Bailliage of Gex.*—M[e] Jacques Tombel, bourgeois of the said Gex.

# APPENDIX III.

## CAHIER OF THE VILLAGE OF BLAIGNY DRAWN UP FOR THE STATES-GENERAL OF 1576.*

In this convocation of the states, the grievances and complaints of each are set forth, that since it has pleased God to inspire the king to listen to his people, he may grant them the remedy which the evil requires, since the proper office of a king is to give judgment and justice, and to reign with the good-will of his people.

And one of the most necessary means is to maintain religion in peace and unity, which are the most powerful defence in the world, and an indissoluble bond of friendship, by which everything will increase in prosperity, and for this end to appoint a public council.

From this time forward it is necessary to provide, by election, as being the means of providing spiritual

* General and particular form of the convocation and holding of the national assemblies or the states-general in France verified by authentic documents, 1789, Part I.; *Pièces Justificatives*, No. 45.—This village is probably Bleigny-le-Carreau, department of the Yonne.

nourishment worthy above everything else of praise, capable priests and ministers of the Church, beneficed clergy, and other prelates, who will reside on their cures, to preach to and instruct the people without hope of a dispensation.

In this manner, all facilities of abusing benefices, as has been the case heretofore, and that notoriously, against all the holy constitutions, will be removed.

Likewise, in order to cut short the involved proceedings of law, and to reduce justice to its original state, that the appointments in the royal courts be given to those who have practised as advocates in the localities, that they be triennially elected, and remain there according to their election, provided that those be continued who have obtained their position by purchase; and by the same means the advocates be bound to observe the ordinances for curtailing proceedings, on pain of forfeiting all expenses, damages, and interests, in their own persons, and the advocates be admitted to plead in all the courts for the protection of the right of parties, and the edict established afresh in favour of the attorneys be suppressed, as made to the detriment of the people.

That the *seigneurs* having administration of justice have capable judges and protectors of justice, as it has been appointed by the ordinances, and be forbidden to have judges in their pay, on pain of their jurisdiction being united to that of the Crown.

That those who shall have forcibly resisted the hand of justice shall be corporally punished, their goods

seized and confiscated to the king, and proceedings instituted against them by the judges of the district where they have transgressed, without prejudice to any protest or appeal whatever, or delay of execution.

And as nothing can happen to the poor labourer worse than a death which shall not even put an end to the misfortunes, oppressions, and tyrannies which the soldiery have practised towards them, the poor people show :—

That it is very necessary, in the case of future war, that the soldiery be elected by the provinces, and that the commanders who shall have charge of them shall enrol the soldiers by their proper names, surnames, and places of abode, of which they shall give in a paper, signed by their hands, or otherwise approved, to the governors of the countries, without their being able to change their names as they pass through the country, on pain of being all liable to be condemned to death.

Likewise that they pay by common consent, in consideration for the food which they shall have; and the king shall make order for them from the revenues proceeding from the ordinary taxes established for this purpose; and in every place where they shall lodge their captains or commanders shall write their names on the registers, in order that they may be called upon in case of ill-conduct, and proceedings be taken by the judges of the localities against the delinquents, without prejudice to any protest or appeal whatever.

That the ancient ordinances on the matter of the

*gendarmerie* be observed, and the *seigneurs* and nobles honoured with places which many others occupy by favour, and covet the said places to the ruin of the poor, as they come and go through the country, be not permitted, unless on occasion of necessity they have the means of rendering a service to the king, and travel in such a style as be required.

And that foreigners shall not be admitted into such appointments, nor in other states of the kingdom, but be forced to vacate them immediately, on pain of being forcibly ejected, and their goods seized for the king.

That the extraordinary charges imposed on the people, as well as the eighths, the twentieths, and imposts, dues on the import of wine, excise on salt, and other subsidies, be abolished, and the poor people be restored to the state and liberty which they enjoyed in the time of the great king, Louis XII., without any power of their being in future brought back, or of a loan being made without the consent of the people.

That those who have managed the finances of the king render account of them; and for the future those who shall be introduced into such posts shall be elected with the concurrence of the people, in order to avoid fresh extortions.

And in order that all objects of merchandise command a better price, and the quality of persons be recognised, to avoid all superfluity of luxury, the ordinances upon the subject of dress shall be kept and observed, on pain of death.

So all persons, not nobles, shall be liable to contribute to the ordinary taxes, and also all nobles who hold in villanage, in order that the poor people be relieved.

That all other ordinances be inviolably observed, as well in matters of justice as police; and for the future those which the king shall make shall pass through the supreme courts, in order to be published, in spite of all injunctions or express commands contrary thereto, according to the practice of all antiquity.

(Signed) LE FEBRE.

THE END.

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